

Also, a bill (H. R. 11771) for the relief of Nathan Mathews; to the Committee on Claims.

By Mr. BLACK of New York (by request): A bill (H. R. 11772) for the relief of Edward Dubied & Co.; to the Committee on Claims.

By Mr. CRUMPACKER: A bill (H. R. 11773) granting an increase of pension to Anna Guild; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 11774) granting an increase of pension to Deborah Weller; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 11775) granting an increase of pension to Catharine Rowland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11776) granting an increase of pension to Catherine E. Hassler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11777) granting an increase of pension to Agnes F. Gibson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11778) granting an increase of pension to Emma Johnson; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 11779) authorizing the Court of Claims of the United States to hear, determine, and render final judgment in the claim of Thomas M. Rose; to the Committee on Claims.

By Mr. FLAHERTY: A bill (H. R. 11780) granting an increase of pension to Mary A. Powell; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 11781) granting an increase of pension to John L. Mateer; to the Committee on Pensions.

By Mr. GAMBRILL: A bill (H. R. 11782) for the relief of William B. Warder; to the Committee on Claims.

By Mr. GRIFFIN: A bill (H. R. 11783) granting an increase of pension to Anna Maria Buhler; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 11784) granting an increase of pension to Olive A. Torbet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11785) granting an increase of pension to Hattie Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11786) for the relief of William Henry Judson; to the Committee on Military Affairs.

By Mr. HILL of Maryland: A bill (H. R. 11787) for the relief of Morris Pondfield; to the Committee on Claims.

By Mr. KING: A bill (H. R. 11788) granting an increase of pension to Christina N. Parks; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 11789) for the relief of Lewis Brooks; to the Committee on Military Affairs.

By Mr. MAJOR: A bill (H. R. 11790) granting an increase of pension to Lillie C. Ray; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 11791) granting a pension to Ida M. Schotte; to the Committee on Pensions.

By Mr. PARKER: A bill (H. R. 11792) granting an increase of pension to Cynthia M. Byron; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 11793) granting a pension to Edward Tilley; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 11794) granting an increase of pension to Euphema Beasley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11795) granting an increase of pension to Lorinda Wester; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11796) granting an increase of pension to Minerva L. Coleman; to the Committee on Invalid Pensions.

By Mr. STROTHER: A bill (H. R. 11797) granting a pension to Anna M. Thornton; to the Committee on Invalid Pensions.

By Mr. SWARTZ: A bill (H. R. 11798) granting a pension to Minnie S. Cadiz; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11799) granting an increase of pension to Louisa Draper; to the Committee on Invalid Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 11800) granting a pension to Charles H. Van Etten; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 11801) granting a pension to Charles Kuhle; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1998. By Mr. CAREW: Letters explaining bill introduced April 29, 1926, by Mr. CAREW to validate devises, bequests,

gifts, etc., by enemy aliens to American citizens; to the Committee on Interstate and Foreign Commerce.

1999. By Mr. FULLER: Petition of Mr. S. Fred Cummings and others, urging support of the Federal farm board bill; to the Committee on Agriculture.

2000. By Mr. KNUTSON: Petition of William A. Patterson, Remer, Minn., and others, protesting against the compulsory Sunday observance; to the Committee on the District of Columbia.

2001. By Mr. KVALE: Memorial of 77 Federal reserve bank members of the State of Minnesota, opposing any legalization of branch banking and urging amendments to promote smooth operation of the Federal reserve system; to the Committee on Banking and Currency.

2002. Also, petition of the Farmer-Labor Association of Minnesota, in biennial convention assembled, urging enactment of adequate relief legislation at this session of Congress which will insure the farmer economic justice; to the Committee on Agriculture.

2003. Also, petition of members of A. B. Post No. 127, American Legion, Hanley Falls, Minn., unanimously urging enactment into law at this session of House bills 10240, 10277, 4548, 10358, and 10426; to the Committee on World War Veterans' Legislation.

2004. Also, petition of members of Sunnyside Farmers' Club, of Kandiyohi County, Minn., urging early construction of the Great Lakes-St. Lawrence deep waterway; to the Committee on Rivers and Harbors.

2005. By Mr. LUCE: Resolution of the Mendon Association of Congregational Churches, urging the effective enforcement of prohibition to strengthen the Volstead Act; to the Committee on Alcoholic Liquor Traffic.

2006. By Mr. O'CONNELL of New York: Petition of the Woodhaven Republican Association, of Woodhaven, Long Island, N. Y., favoring the passage of the Stanfield-Lehlbach retirement bills; to the Committee on the Civil Service.

2007. Also, petition of the Industrial Acceptance Corporation, of New York City, opposing the passage of Senate bill 3511; to the Committee on Interstate and Foreign Commerce.

2008. Also, petition of the A. I. Root Co., of Medina, Ohio, opposing the passage of House bill 39; to the Committee on Interstate and Foreign Commerce.

2009. By Mr. PERKINS: Memorial of the Daughters of the Union Veterans of the Civil War, numbering over 50,000 citizens, earnestly protesting against Confederate memorial upon Stone Mountain in Georgia and also protesting against pensioning of ex-Confederate soldiers by the United States Government; to the Committee on Military Affairs.

2010. By Mr. RANSLEY: Petition of the Philadelphia Board of Trade, opposing House bill 487, the creation in the District of Columbia of an insurance fund for the benefit of employees of the United States Government; to the Committee on the District of Columbia.

2011. By Mr. ROMJUE: Petition of Hannibal Chamber of Commerce, of Hannibal, Mo., urging the passage of the Hawes bill (H. R. 8988); to the Committee on the Judiciary.

SENATE

FRIDAY, April 30, 1926

(Legislative day of Thursday, April 29, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McKinley	Shipstead
Bayard	Gillett	McLean	Shortridge
Bingham	Glass	McMaster	Simmons
Blease	Goff	McNary	Smith
Borah	Gooding	Mayfield	Smoot
Bratton	Greene	Means	Stanfield
Broussard	Hale	Metcalf	Steck
Bruce	Harrell	Norbeck	Stephens
Cameron	Harris	Norris	Swanson
Couzens	Harrison	Nye	Trammell
Cummins	Heflin	Oddie	Tyson
Curtis	Howell	Overman	Wadsworth
Dale	Jones, N. Mex.	Phipps	Walsh
Deneen	Jones, Wash.	Pine	Warren
Dill	Kendrick	Ransdell	Watson
Edge	Keyes	Reed, Mo.	Weller
Edwards	King	Reed, Pa.	Wheeler
Fernald	La Follette	Robinson, Ark.	Williams
Ferris	Lenroot	Sackett	Willis
Fess	McKellar	Sheppard	

Mr. CURTIS. I desire to announce that my colleague [Mr. CAPPER] is absent on account of illness in his family. I will let this announcement stand for the day.

Mr. GILLET. I wish to announce that my colleague [Mr. BUTLER] is necessarily absent to-day on important business.

The VICE PRESIDENT. Seventy-nine Senators having answered to their names, a quorum is present.

ADDITIONAL WING TO DISTRICT JAIL

Mr. JONES of Washington. Mr. President, on yesterday on the call of the calendar the Senate passed the bill (H. R. 10204) providing an additional wing to the District Jail. The commissioners have suggested a very desirable amendment, and I desire to enter a motion to reconsider the votes by which the bill was ordered to a third reading and passed. If the bill has gone to the House, I ask unanimous consent that the House be requested to return the bill to the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. JONES of Washington subsequently said: Mr. President, I find that the bill to which I referred a moment ago, House bill 10204, has not gone to the House. Therefore I move that the Senate reconsider the votes by which the bill was ordered to a third reading and passed.

Mr. ROBINSON of Arkansas. What is the bill?

Mr. JONES of Washington. It is a bill providing an additional wing to the District Jail. The commissioners have suggested an amendment that should have been adopted before we passed the bill.

Mr. ROBINSON of Arkansas. The amendment was not presented to the Senate?

Mr. JONES of Washington. It was not.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington that the Senate reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. JONES of Washington. I desire to offer an amendment to the bill, recommended by the commissioners.

The VICE PRESIDENT. The clerk will report the amendment.

The CHIEF CLERK. On page 1, strike out all after the enacting clause and insert:

That the Commissioners of the District of Columbia be, and they are hereby, authorized to construct an additional building at the District Jail and to rearrange the interior construction of the east wing of the present jail building so as to provide accommodations for not less than 200 additional prisoners, at a total cost not exceeding \$300,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 7) for placing the statue of Crawford W. Long in Statuary Hall.

The message also announced that the House had passed without amendment the following bill and joint resolution of the Senate:

S. 957. An act for the purchase of the Oldroyd collection of Lincoln relics; and

S. J. Res. 55. Joint resolution to authorize the American National Red Cross to continue the use of temporary buildings now erected on square No. 172 in Washington, D. C.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills:

H. R. 9494. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the Gainesboro-Red Boiling Springs road in Jackson County, Tenn.; and

H. R. 10002. An act granting the consent of Congress to H. J. Stannert, Harry Weis, and George W. Rockwell to construct, maintain, and operate a bridge across the Susquehanna River from a point in the city of Sunbury, Northumberland County, to a point in the township of Monroe, in Snyder County, in the State of Pennsylvania.

The message also announced that the House had severally agreed to the amendments of the Senate to the following bills:

H. R. 7904. An act granting the consent of Congress to Des Arc Bridge Co. and its successors and assigns to construct a bridge across the White River at Des Arc, Ark.;

H. R. 9348. An act granting the consent of Congress to the Weirton Bridge & Development Co. for the construction of a bridge across the Ohio River near Steubenville, Ohio;

H. R. 9503. An act granting permission to the State Highway Commission of the State of Tennessee to construct a bridge across the Tennessee River at Savannah, Hardin County, Tenn., on the Savannah-Selmer road;

H. R. 9506. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Linden-Lexington road in Perry and Decatur Counties, Tenn.; and

H. R. 9505. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Waverly-Camden Road between Humphreys and Benton Counties, Tenn.

The message further announced that the House had passed bills and a joint resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 3791. An act to purchase a painting of the several ships of the United States Navy in 1891 and entitled "Peace";

H. R. 3990. An act for the erection of a monument upon the Revolutionary battle field of White Plains, State of New York;

H. R. 5359. An act authorizing the purchase by the Secretary of Commerce of a site and the construction and equipment of a building thereon for use as a master track scale and test car depot, and for other purposes;

H. R. 6252. An act amending section 52 of the Judicial Code;

H. R. 9511. An act authorizing the Postmaster General to remit or change deductions or fines imposed upon contractors for mail service;

H. R. 10202. An act granting an extension of patent to the United Daughters of the Confederacy; and

H. J. Res. 176. Joint resolution establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversaries of the independence of Vermont and the Battle of Bennington, and authorizing an appropriation to be utilized in connection with such observance.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 6772. An act to authorize the settlement of the indebtedness of the Kingdom of Rumania to the United States of America;

H. R. 6777. An act to authorize the settlement of the indebtedness of the Czechoslovak Republic to the United States of America;

H. R. 8908. An act granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River;

H. R. 8918. An act granting the consent of Congress for the construction of a bridge across the Mississippi River at or near Louisiana, Mo.;

H. R. 8950. An act granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn.;

H. R. 9688. An act granting the consent of Congress to the construction, maintenance, and operation of a bridge across Sandusky Bay at or near Bay Bridge, Ohio; and

H. J. Res. 209. Joint resolution requesting the President of the United States to invite foreign governments to participate in the Seventh International Dental Congress, to be held at Philadelphia, Pa., August 23 to 28, 1926.

GEORGE ROGERS CLARK MEMORIAL LIGHTHOUSE

Mr. FERRIS presented resolutions adopted by the National Society of the Daughters of the American Revolution, in Thirty-fifth Annual Congress assembled, at Washington, D. C., indorsing and approving the bill (H. R. 9644) to authorize the construction of a George Rogers Clark Memorial Lighthouse on the Ohio River at or adjacent to the city of Louisville, Ky., which were referred to the Committee on the Library.

FEDERAL BUILDING PROGRAM

Mr. BRUCE. Mr. President, I would like to have inserted in the RECORD an editorial appearing in the Saturday Evening Post for May 1, 1926, entitled "No more monuments to mediocrity." It is a plea for architectural skill in the construction of buildings for the Federal Government.

There being no objection the editorial was ordered to be printed in the RECORD as follows:

[From the Saturday Evening Post for May 1, 1926]

NO MORE MONUMENTS TO MEDIOCRITY

The new building program of the Federal Government will involve the expenditure of an appropriation of \$165,000,000. Nearly a third

of this sum will be employed in and about the city of Washington. This new work is bound to have a far-reaching effect upon the appearance of the city. The type of design established by earlier administrations has given our National Capital many beautiful and distinguished buildings. It seems clear that this type should be perpetuated in the projected work. Recent structures, such as the Lincoln Memorial, the Freer Gallery, the Treasury Annex, and the design for the Arlington Memorial Bridge, have added greatly to the distinction of the city; and in doing so they have placed upon the administrators of the current appropriation a weighty obligation to see that new public works maintain the quality of those already completed.

Those who are anxious to see this ideal carried out in terms of the greatest fitness and architectural beauty note with some apprehension the fact that the Supervising Architect's Office has desired the Civil Service Commission to hold examinations for some 200 additional architects and assistants.

The maximum salary offered is \$3,800.

The Supervising Architect appears to be making no effective bid for acknowledged professional eminence or for genius of a high order. No argument should be required to prove that this great and important undertaking should be parceled out among the ablest architects in the country, to the end that the National Government may secure results no less fine and distinguished than those which are being achieved from coast to coast for private interests in the way of railway stations, banking houses, and great office buildings. Nothing less should satisfy any of us whose native pride makes us desire to see Washington the most beautiful and impressive of all world capitals. The lofty standard to which the best American public architecture has attained makes such an ambition possible of realization; but if our dream is to come true it will be because we see to it that our new work reflects the genius of our age and Nation and not their mediocrity.

There are rules and precedents which might make it difficult, if not impossible, for those who will have the spending of the appropriation to avail themselves of the services of those outstanding architects, not in Government employ, who ought to be called upon to prepare plans and drawings for the new work and see that it is keyed into harmony with the old. It is highly important, therefore, that Congress, when making building appropriations, specifically authorize the employment of outside architectural talent, and that executives take advantage of this power to command the services of the most brilliant men in the profession.

Every ugly public building is a monument erected by some architect to his own lack of taste. It is a conspicuous and enduring memorandum of his own blunders, a chronic eyesore for generations of beholders, and a perennial bidder for contemptuous criticism. Neither parsimony nor politics, red tape, nor false economy should be allowed to menace our Capital City with such dour piles of frozen discord. We should not be satisfied even with respectable mediocrity. We ought to strive for a group of buildings conceived in the beauty, touched with the distinction, and informed with the inevitable rightness and authority which genius alone can create.

SENATOR FROM NEW MEXICO

Mr. KING. Mr. President, on behalf of the Senator from Kentucky [Mr. ERNST], chairman of the Committee on Privileges and Elections, I report a resolution, unanimously approved by the Committee on Privileges and Elections, in the matter of the contest of Mr. Bursum against Senator Bratton, of New Mexico. I ask unanimous consent for its immediate consideration.

The resolution (S. Res. 215) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That Sam G. Bratton is hereby declared to be a duly elected Senator of the United States from the State of New Mexico for the term of six years, commencing on the 4th day of March, 1925, and is entitled to be seated as such.

Mr. KING. I ask permission to file the report accompanying the resolution (Rept. No. 724).

The VICE PRESIDENT. Without objection, leave is granted.

REPORTS OF COMMITTEES

Mr. TYSON, from the Committee on Military Affairs, to which was referred the bill (S. 3878) to give war-time rank to certain officers on the retired list of the Army, reported it with amendments and submitted a report (No. 720) thereon.

Mr. FRAZIER, from the Committee on Banking and Currency, to which was referred the bill (H. R. 8306) to authorize the coinage of 50-cent pieces in commemoration of the heroism of the fathers and mothers who traversed the Oregon Trail to the far West with great hardship, daring, and loss of life, which not only resulted in adding new States to the Union but earned a well-deserved and imperishable fame for the pioneers; to honor the 20,000 dead that lie buried in unknown graves along 2,000 miles of that great highway of history; to rescue the various important points along the old trail from oblivion; and to commemorate by suitable monuments, memorial or

otherwise, the tragic events associated with that emigration—erecting them either along the trail itself or elsewhere, in localities appropriate for the purpose, including the city of Washington, reported it without recommendation and submitted a report (No. 721) thereon.

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1050) for the relief of William F. Brockschmidt, reported it with amendments and submitted a report (No. 722) thereon.

Mr. WHEELER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 8313) to allot living children on the Crow Reservation, Mont., reported it without amendment and submitted a report (No. 723) thereon.

Mr. DILL, from the Committee on Indian Affairs, to which was referred the bill (S. 3958) to provide for the permanent withdrawal of certain lands adjoining the Makah Indian Reservation in Washington for the use and occupancy of the Makah and Quileute Indians, reported it without amendment and submitted a report (No. 725) thereon.

Mr. McNARY, from the Committee on Indian Affairs, to which was referred the bill (S. 3749) to provide for the erection at Burns, Oreg., of a school for the use of the Plute Indian children, reported it with amendments and submitted a report (No. 733) thereon.

PATENTS TO LANDS IN NEW MEXICO

Mr. JONES of New Mexico. I report back favorably with an amendment from the Committee on Public Lands and Surveys the bill (S. 4055) to authorize the Secretary of the Interior to issue patents for lands held under color of title, and I submit a report (No. 717) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was, at the end of the bill, after the word "corporation" and before the period, to insert "organized under the laws of the United States or any State or Territory thereof," so as to make the bill read:

Be it enacted, etc., That whenever it shall be shown to the satisfaction of the Secretary of the Interior that a tract or tracts of public land, not known to be mineral, in the State of New Mexico, not exceeding in the aggregate 160 acres, has or have been held in good faith and in peaceful, adverse possession by a citizen of the United States, his ancestors or grantors, for more than 20 years under claim or color of title, and that valuable improvements have been placed on such land, or some part thereof has been reduced to cultivation, the Secretary may, in his discretion, upon the payment of \$1.25 per acre, cause a patent or patents to issue for such land to any such citizen: *Provided*, That where the area or areas so held by any such citizen is in excess of 160 acres the Secretary may determine what particular subdivisions, not exceeding 160 acres in the aggregate, to any such citizen may be patented hereunder: *Provided further*, That the term "citizen" as used herein shall be held to include a corporation organized under the laws of the United States or any State or Territory thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

RED RIVER BRIDGE

Mr. BINGHAM. From the Committee on Commerce I report back favorably with amendments the bill (H. R. 5691) granting the consent of Congress to Charles L. Moss, A. E. Harris, and T. C. Shattuck, of Duncan, Okla., to construct a bridge across Red River at a point between the States of Texas and Oklahoma where the ninety-eighth meridian crosses said Red River, and I submit a report (No. 718) thereon. I call the attention of the Senator from Oklahoma [Mr. HARRELD] to the bill.

Mr. HARRELD. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

Mr. KING. Let it be read.

The bill was read, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments, which were, in section 1, page 2, at the end of line 3, after the numerals "1906," to insert a comma and "and subject to the conditions and limitations contained in this act"; and to strike out sections 2, 3, 4, and 5 in the following words:

Sec. 2. That the said Charles L. Moss, A. E. Harris, and T. C. Shattuck, their heirs, administrators, and assigns, are hereby authorized and empowered to fix and charge just and reasonable tolls for the passage over such bridge of pedestrians, animals, and vehicles

adapted to travel on public highways, and the rates so fixed shall be the legal rates, and the Secretary of War shall prescribe other rates of toll as provided in the act of March 23, 1906.

SEC. 3. That the States of Oklahoma and Texas, or any official agency of either thereof, or any political or other subdivision or subdivisions thereof within or adjoining which such bridge is located, may jointly or severally at any time after 15 years from the completion of such bridge, by agreement or condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation, acquire all right, title, and interest in such bridge and the approaches and appurtenances thereto for the purpose of maintaining and operating such bridge as a free bridge. If such bridge is acquired as aforesaid by condemnation, in determining the measure of damages or compensation to be paid for the same, there shall not be included any credit or allowance for good will, going value, or prospective revenues or profits, but same shall be limited to such an amount not exceeding the original cost thereof as shall represent the fair value of the bridge and its appurtenances at the time of such acquisition. After five years from the date of acquiring such bridge by such State or States or any official agency or agencies thereof, or any political or other subdivision or subdivisions thereof, the same shall be maintained and operated as a free bridge.

SEC. 4. The said Charles L. Moss, A. E. Harris, and T. C. Shattuck, their heirs, administrators, and assigns, shall immediately upon the completion of such bridge file with the State Highway Departments of the States of Oklahoma and Texas an itemized sworn statement of the actual original cost of such bridge and its approaches and appurtenances, including any reasonable actual expenditures for engineering and legal services and any reasonable fees, discounts, and expenditures incurred in connection with the original financing thereof. Such an itemized statement of cost may be investigated by the highway department of either of such States at any time within three years after the completion of such bridge and verified and corrected, and its findings shall be conclusive upon all persons, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved.

And in lieu thereof to insert the following:

SEC. 2. There is hereby conferred upon the said Charles L. Moss, A. E. Harris, and T. C. Shattuck, their heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, appropriate, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by bridge corporations for bridge purposes in the State or States in which such real estate and other property are located upon making just compensation therefor, to be ascertained and paid according to the laws of such State or States; and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State or States.

SEC. 3. The said Charles L. Moss, A. E. Harris, and T. C. Shattuck, their heirs, legal representatives, and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

SEC. 4. After the date of completion of such bridge, as determined by the Secretary of War, either the State of Texas, the State of Oklahoma, any political subdivision of either of such States within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase, or by condemnation in accordance with the law of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge it is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property), and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over and acquired by the States or political subdivisions thereof under the provisions of section 4 of this act, the same may thereafter be operated as a toll bridge; in fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor within a period of not to exceed 30 years from the date of acquiring

the same. After a sinking fund sufficient to pay the cost of acquiring such bridge and its approaches shall have been provided the bridge shall thereafter be maintained and operated free of tolls or the rates of toll shall be so adjusted as to provide a fund not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 6. The said Charles L. Moss, A. E. Harris, and T. C. Shattuck, their heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge the Secretary of War may investigate the actual cost of such bridge, and for such purpose the said Charles L. Moss, A. E. Harris, and T. C. Shattuck, their heirs, legal representatives, and assigns, shall make available to the Secretary of War all of their records in connection with the financing and construction thereof. The findings of the Secretary of War as to such actual original cost shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said Charles L. Moss, A. E. Harris, and T. C. Shattuck, their heirs, legal representatives, and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage, foreclosure, or otherwise is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ARKANSAS RIVER BRIDGE

Mr. BINGHAM. I report back favorably without amendment from the Committee on Commerce the bill (H. R. 9634) to extend the time for the construction of a bridge across the Arkansas River at or near the city of Dardanelle, Yell County, Ark., and I submit a report (No. 719) thereon. I call the attention of the Senator from Arkansas [Mr. ROBINSON] to the bill.

Mr. ROBINSON of Arkansas. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Connecticut.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by Congress, approved March 3, 1925, to be built by the Yell and Pope County bridge district, Dardanelle and Russellville, Ark., across the Arkansas River at or near the city of Dardanelle, in the county of Yell, in the State of Arkansas, are hereby extended one and three years, respectively, from the date of approval hereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENDRICK:

A bill (S. 4131) to provide for clearing, leveling, and preparing land for irrigation on Federal reclamation projects; to the Committee on Irrigation and Reclamation.

By Mr. ODDIE:

A bill (S. 4132) to amend section 1 of the act of June 7, 1924, entitled "An act for the relief of settlers and town-site occupants of certain lands in the Pyramid Lake Indian Reservation, in Nevada, and for other purposes"; to the Committee on Public Lands and Surveys.

By Mr. DILL:

A bill (S. 4133) granting an increase of pension to Belle S. Chaffin; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 4134) granting a pension to Thomas Lamb; and A bill (S. 4135) granting an increase of pension to Sarah A. Kemp; to the Committee on Pensions.

By Mr. McKINLEY:

A bill (S. 4136) granting an increase of pension to Sophronia J. Vertrees (with an accompanying paper); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 4137) providing for the retirement of Lieut. Commander Henry Emile Quenstedt, United States Naval Reserve Force, as within the provisions of the act approved July 12, 1921; to the Committee on Naval Affairs.

A bill (S. 4138) granting the consent of Congress to the State highway department of Georgia to construct a bridge across the St. Marys River; to the Committee on Commerce.

A bill (S. 4139) for the relief of Margaret Doyle, administratrix of the estate of James Doyle, deceased; to the Committee on Claims.

A bill (S. 4140) granting grade, rank, pay, and allowances of retired warrant officer to Sergt. Otto Krause; to the Committee on Military Affairs.

By Mr. WADSWORTH:

A bill (S. 4141) for the purpose of carrying out the provisions of General Orders, No. 195, War Department, June 29, 1863, for the presentation of medals; to the Committee on Military Affairs.

By Mr. CAMERON:

A bill (S. 4142) authorizing the Secretary of the Interior to lease unallotted lands within the Colorado River Indian Reservation; to the Committee on Indian Affairs.

A bill (S. 4143) to grant 500,000 acres of land to the State of Arizona for the benefit of disabled miners and their dependents; to the Committee on Public Lands and Surveys.

By Mr. McKINLEY:

A joint resolution (S. J. Res. 105) relating to the use of the metric system of weights and measures in the United States; to the Committee on Commerce.

VALUE OF MUSCLE SHOALS TO THE SOUTH

Mr. DILL. I ask unanimous consent to have printed in the Appendix of the RECORD an article written by Judson King, which is entitled "The Value of Muscle Shoals to the South."

The VICE PRESIDENT. Without objection, it is so ordered. The article referred to is as follows:

[Bulletin No. 104, April 10, 1926]

NATIONAL POPULAR GOVERNMENT LEAGUE,
Washington, D. C.

By Judson King, Director

THE VALUE OF MUSCLE SHOALS TO THE SOUTH

Muscle Shoals has been generating power since September with Army engineers in charge. The Alabama Power Co. has bought this current at 2 mills per kilowatt-hour and sold it at 850 mills, or 8.5 cents, per kilowatt-hour domestic use and at proportionately high rates for power users. Senator McKELLAR estimates the profits thus far at around \$3,000,000. It costs 2 mills to send a kilowatt-hour 300 miles. Wilson Dam can supply current to cities, homes, farms, and factories in 14 States within 300 miles from Muscle Shoals.

Electric energy is now being sent successfully as a business and engineering proposition not only 300 miles but as high as 550 miles in the United States to-day. It is certain that future scientific discoveries will lengthen the distance and cheapen the cost.

President Thomas W. Martin, of the Alabama Power Co., in a letter to Senator NORRIS on February 24, 1926, states that the transmission lines of his company are interconnected to supply power in the States of Alabama, Tennessee, Georgia, North and South Carolina, and presently Florida and Mississippi.

He furnished the Senator with a statement of the amount of energy he had purchased from the United States Government at Muscle Shoals. Through the kindness of the office of Major General Taylor, Chief of Engineers of the War Department, I have verified Mr. Martin's figures as correct and been able to bring them up to March 26. Here they are—

Alabama Power Co.

(Wilson Dam—Net generation and charges)

	Net generation, kilowatt-hours per month	Payment to United States Government per month
1925		
September.....	7,431,000	\$14,862
October.....	10,671,000	21,342
November.....	12,847,000	25,694
December.....	13,480,000	26,960
1926		
January.....	12,321,000	24,642
February.....	13,717,000	27,434
Mar. 26.....	14,694,000	29,388
Total.....	85,161,000	173,322

No blame attaches to Mr. Martin for getting Government current as cheaply as he can nor to the War Department for selling to the only available distributing system on an uncertain short-time contract until the disposition of the shoals is finally decided.

Only 4 units of the Muscle Shoals plant are now operating, as against a total of 18. Engineering opinion differs as to whether the production cost to Uncle Sam will be 2 mills, 4, or 6 mills per kilowatt when the plant is in full operation. Be that as it may, it is certain that there is no sound financial excuse for the people of the South to continue to pay the power companies from 8 to 10 cents per kilowatt-hour for current that costs from 4 to 6 mills at the plant to make and which they might purchase cheaply under the Norris plan.

TRANSMISSION COST 2 MILLS PER KILOWATT-HOUR

Ontario to-day shoots a kilowatt of electricity from Niagara Falls to Windsor, opposite Detroit, 252 line miles (200 miles as the crow flies), for less than 2 mills; and those great engineers, Arthur Powell Davis, former chief engineer of the United States Reclamation Service, and Prof. W. F. Durand, of Leland Stanford University, president of the American Society of Mechanical Engineers, in 1925 testified that it would cost only 2 mills per kilowatt to transmit power approximately 300 miles from the proposed Boulder Canyon Dam in the Colorado River. Muscle Shoals current can be distributed at like cost.

It would be of priceless value to the whole American people if they could know exactly what profits are being made by the Alabama Power Co. on the energy now purchased from the United States Government at 2 mills per kilowatt-hour, and also what the profit would be for 50 years with Muscle Shoals in full operation. But no figure of scientific value can be arrived at because the financial industrial operations of the power companies are so ramified and their systems of bookkeeping intentionally made so complicated, befuddling, and mysterious that no one save a very few insiders know what the actual profits and costs of operation are that are necessary to such an estimate. No engineer or accountant could discover from reports to State utility commissions the factors required. This is one of the most conspicuous points of failure in "regulation" as now practiced. I am too much of a gentleman even to ask Mr. Martin to disclose his valuable business secrets. He would be a prize mutt if he told me so that I could tell you.

It was this difficulty of arriving at exact estimates that no doubt led Senator McKELLAR to state such wide variations in the possible profits of the Alabama Power Co. from Muscle Shoals power to date quoted above. The figures were taken from his speech in the Senate on March 4, CONGRESSIONAL RECORD, page 4707. I quote further:

"The Government got for the power given to the Alabama Power Co. in November \$26,000. What does the company get for it? If they sold at 1 cent per kilowatt they would get \$130,000 a month * * * at 2 cents it would be \$260,000 * * * at 3 cents it would be \$390,000 * * *. If they sold it at 4 cents, approximately one-half what they charge their customers, it would be \$520,000 a month * * *. If they sold it at 8½ cents, the highest price, they would get \$1,105,000 for it. But if we suggest that it sells on the average of only 4 cents, the company would get \$6,240,000 a year profit on this business * * *. They have already made, according to the figures General Taylor furnished, something more than \$3,000,000 during the six months referred to."

Mr. Earl Sparling, able Washington correspondent of the Scripps-Howard newspapers, in a dispatch to his papers February 26 last, gave some figures which throw another possible sidelight on this perplexing problem. He states that according to figures just made public by the Alabama Public Service Commission "the Alabama Power Co. earned almost 50 cents net income on every dollar's worth of electricity sold in 1925 * * *. The company earned \$10,415,887 gross income from the sale of electricity last year. Expenses of operation were only \$5,231,461."

\$1,247,971,464.60 PROFIT IN 50 YEARS

Muscle Shoals under the Norris plan is worth billions in direct saving on power costs and many more billions as a regulator of private monopoly by competition. Here is a minimum guess on what it is worth to the power combine.

War Department engineers now estimate the yearly power output of Wilson dam in full operation at 700,000,000 kilowatt-hour primary, and 1,490,000,000 kilowatt-hour secondary; total 2,190,000,000 kilowatt-hours.

Engineers of the Giant Power Survey of Pennsylvania report that the electric power utilities of that State sold during 1924 approximately five and one-fourth billion kilowatt-hours for \$128,000,000, or approximately 2½ cents per kilowatt-hour. This includes generation, transmission, distribution utilization, and fixed charges and profits. The engineers assert a profit of approximately 4 mills per kilowatt-hour. Generation is by both steam and water.

To be safe let us make the violent assumption that it will cost as much to generate energy at Muscle Shoals by water power alone as in Pennsylvania with both steam and water. Let us cut that 4 mills profit in half and make it 2 mills, to be ultraconservative. A tre-

mendous market awaits Muscle Shoals power, and we may assume the plant will be run at full capacity.

2,190,000,000 KILOWATT-HOURS MULTIPLIED BY 2 MILLS EQUAL \$4,380,000
YEARLY PROFIT

But interest? Say, at 6 per cent compounded annually \$4,380,000 each year for 50 years. To be business-like, we must add that. But to figure it staggered me. Life is short. So I asked my friend, Mr. Geo. D. Lane, the comptometer man on the floor above. He said, "Leave it to me." In less than an hour his demonstrator, Miss Lulu Fike, came down and handed me the figure. It was \$1,347,971,464.60.

Figure it out for yourselves what a profit of 4 mills per kilowatt-hour would yield.

Is it not perfectly clear why Mr. Coolidge's friends and political supporters, the big power men, after calm consideration in the light of safe public policy and sound economic principles, are convinced that they and not Uncle Sam should operate Muscle Shoals?

ARMY ENGINEERS EFFICIENT

However, the United States Government has been operating the power plant at Muscle Shoals for eight months. Notwithstanding vociferous propaganda of the National Electric Light Association, many Senators and Representatives, et al., that this Government can do nothing successfully, it is not of record that General Taylor and Major Tyler, engineer in charge of the plant at Muscle Shoals, have done a bad job. In fact, they have done a good job, and I doubt not they would take just as much pleasure in employing their technical skill in behalf of the people of the Southern States as of the Alabama Power Co. As Army men, however, they can say nothing as to their preferences but obey orders of their chief, the President of the United States.

PRESIDENT COOLIDGE VERSUS SENATOR NORRIS

As to the present President of the United States, Mr. Calvin Coolidge, let us remind ourselves that he is personally leading the fight to deliver this magnificent natural resource and a power development that has cost American taxpayers \$150,000,000 into private hands for private profit. Whether he gives it to the Power Trust or to some great manufacturing concern makes no difference to the South. The people will still go on paying high rates for electric energy.

As opposed to this policy, Senator GEORGE W. NORRIS is still struggling against terrific odds to keep Muscle Shoals in public possession and permit the cities, the manufacturers, the farmers, and the home owners of the South to purchase their electric energy at cost as in Ontario. His bill, S. 2147, would permit a city like Memphis, for example, if it had its own local distributing system, to run a high-power wire to Muscle Shoals and buy its current wholesale for distribution by itself.

LAND VALUES

Every person in the South who owns a piece of real estate, as well as every business and professional man, if economically wise, will be in favor of public operation of Muscle Shoals. The cheaper the cost of power the more rapidly and surely will manufacturers be attracted, the more swiftly will industrial development proceed, the greater the population will become, and the whole process be properly reflected in the increased value of land. Land values thus soundly created are not of the speculative ruinous kind due to artificially stimulated "booms," and the prosperity thus generated comes to stay.

The rapid industrial development of Los Angeles is substantial and is due to the fact that the municipally owned and operated electric water and power system has furnished manufacturers the cheapest power and water supply to be found in the Southwest. This is the fundamental reason why Los Angeles is outstripping San Francisco as a manufacturing center.

LOW PUBLIC AND HIGH PRIVATE TAX RATES

It becomes therefore pertinent to inquire into the prices consumers would have to pay under the Norris plan or under the continuance of the present system as advocated by President Coolidge. The average citizen is easily fooled by words. Call a thing a "rate" and he will cheerfully pay. Call it a "tax" and he will howl. President Coolidge is a great advocate of tax reduction. He has recently put through a bill which slightly reduces the tax of common folks, but untaxes the big rich to the tune of billions of dollars. His power policy—that of Hoover and the power trust—in effect sanctions the right of the power companies, owned chiefly by the aforesaid big rich, to levy unconscionable private taxes upon the aforesaid common folks for electric service. Senator Norris, however, desires the tax levied for electric service to be the least possible, therefore he favors Muscle Shoals remaining in the hands of the people.

The difference in these two systems of taxation for electric service may be discovered by comparing the rates now paid to private companies in a few of the cities that might be served by Muscle Shoals with what the people of similar cities and towns are paying in Ontario.

The Public Utilities Commission of the District of Columbia reports that 40 kilowatts per month is the average residential consumption of electricity. Taking this as a basis, and applying the rates quoted in

the 1924 rate book of the National Electric Light Association, and the 17th (1924) Annual Report of the Ontario Hydroelectric Commission, we get the following results:

Coolidge tax as of existing rates in Southern States, 40 kilowatt-hours per month		Norris tax as of existing rates in Ontario, 40 kilowatt-hours per month	
Birmingham, Ala.	\$3.06	Toronto	\$1.05
Mobile, Ala.	3.60	Windsor	1.20
Montgomery, Ala.	3.02	St. Marys	1.20
Atlanta, Ga.	3.15	London	1.15
Augusta, Ga.	3.60	St. Thomas	1.15
Columbus, Ga.	4.00	Galt	1.02
Macon, Ga.	3.60	Woodstock	1.15
Savannah, Ga.	3.60	Kitchener	1.15
Jackson, Miss.	6.00	Waterloo	1.02
Meridian, Miss.	4.56	St. Jacobs	1.38
Columbia, S. C.	3.24	Weston	1.02
Greenville, S. C.	3.42	Brampton	1.02
Spartanburg, S. C.	3.53	Acton	1.20
Charlotte, N. C.	3.42	Glencoe	1.56
Knoxville, Tenn.	3.96	Woodstock	1.15
Memphis, Tenn.	2.88	Preston	1.33
Nashville, Tenn.	3.96	Hamilton	1.15
Little Rock, Ark.	4.00	Sarnia	1.20
Pine Bluff, Ark.	5.40	Stratford	1.20
New Orleans, La.	3.63	Windsor	1.20
Pensacola, Fla.	4.94	Guelph	1.15
Lexington, Ky.	3.24	Dresden	1.20
Louisville, Ky.	3.04	Sarnia	1.20
Cincinnati, Ohio	3.20	Windsor	1.20
Evansville, Ind.	2.70	Windsor	1.20
E. St. Louis, Ill.	3.80	Chatham	1.20
St. Louis, Mo.	2.66	Windsor	1.20

A FULLY ELECTRIFIED HOME IN HAMILTON, ONTARIO

But 40 kilowatts per month is only enough electric current to light a house. The average American housewife longs for an electric washing machine, irons, sweeper, electric range for cooking, etc., but "electricity costs too much" and so she gives it up, and contents herself with light only. Muscle Shoals and similar power sites is the answer to this home need, but American women are kept in ignorance of how cheaply electric current can be sold and so think it is not possible for them. But it should be made as available for them as it is now for the women of Ontario, Canada. Let me illustrate.

Rev. J. J. Morton, of Hamilton, Ontario, lives in a 16-room house at 39 Park Street South. The total household consists of 12 persons. The home is managed by his very capable daughter, Miss Winona. Her electrical equipment is as follows:

Thirty-nine lights, sizes 40 to 200 watts (ordinary bulb is 50).
Westinghouse electric range, with four top burners and oven.
Electric washing machine.
Hoover sweeper.
Two-burner hot plate for boiling clothes.
Toaster.
Electric iron.
Grill.

You will note Miss Morton likes lots of light. I surmise she has one of those 200-watt bulbs in her kitchen, and perhaps Doctor Morton has a good-sized one in his study. Women especially will be alive to the amount of cooking, washing, ironing, and sweeping in such a home, and think so much electricity extravagant for a minister's home; but prepare to gasp—it costs Miss Morton only about \$50 a year to run all this equipment.

Americans have a good right to doubt the truth of my statement, so in self-defense I reproduce here as nearly as possible on a mimeograph the Reverend Morton's paid bill for the two months ending December 12, 1924. Note that Miss Morton used 884 kilowatt-hours, for which they paid \$7.99, a net cost of only 0.0128 cents per kilowatt-hour.

HAMILTON HYDRO ELECTRIC SYSTEM

RESIDENCE ACCOUNT

Date due, December 26.

Rev. J. J. Morton, 39 Park Street, South.	
Fixed charge, 3 cents per 100 square feet	\$1.32
Consumption at 2 cents per kilowatt-hour	2.64
Consumption at 1 cent per kilowatt-hour	4.92
Gross bill	8.88
Discount, 10 per cent	.89
Net bill	7.99

Meter readings furnished on request.
Last meter reading, December 12, 1924.
Consumption, kilowatt-hours, 624.

I have examined the original bill reproduced and certify that the above is a true copy as showing the amount of electricity used and the price paid.

[SEAL.]

MARY V. JUDGE, Notary Public.

My commission expires April 15, 1930.

How can it be? Simple enough. The Mortons buy current retail from the city of Hamilton. The city purchases current wholesale from the great Ontario hydroelectric superpower system, which is also publicly owned and operated. The generating plant is at Niagara Falls, Canadian side. The profits of the system, State and municipal, are distributed in the shape of low rates to its owners—the people.

That is, they utilize their own river for their own benefit, just as Senator NORRIS wants Muscle Shoals utilized for the benefit of the people of the Southern States who own the Tennessee River.

SHOULD REVEREND MORTON MOVE TO DIXIE LAND

Now, if Reverend Morton should desire to move from Ontario to Dixie land, I imagine Miss Winona would instantly say: "Father, I shall want to take my electrical equipment along, so please find out about rates in the Southern States."

So let us suppose he should write Senator Thomas Hefflin (Democrat now working with Coolidge), of Alabama, "624 kilowatts costs me \$7.99 in Ontario, what will it cost in Alabama with the understanding that 300 kilowatts is used for cooking?"

All Senator HEFFLIN could do would be to respond to the effect: Dear Doctor Morton: I have consulted the mayor of my home town, Lafayette, and the 1924 rate book of the National Electric Light Association and find as follows: If you were to come to my home town instead of \$7.99 it would cost you, \$50.88.

In Birmingham they will charge you, \$31.89.

And by the same token Senator JOSEPH ROBINSON, of Arkansas, might write: "In Little Rock instead of \$7.99 they will charge you \$49."

Senator PAT HARRISON, of Mississippi, against the Norris plan, could respond: "In Jackson instead of \$7.99 it will cost you \$61.79."

Senator BROUSSARD, Democrat, of Louisiana, who voted with Coolidge, could respond:

"DEAR DOCTOR: New Orleans has two electric power companies, and Miss Morton can get the benefits of competition. The Consumers Light & Power Co. will charge her \$36.39, instead of \$7.99, and the New Orleans Public Service (Inc.) will charge her \$36.39."

Senator ERNST, Republican, of Kentucky, could reply: "In Louisville instead of \$7.99 it will cost Miss Morton \$39.62."

Senator TYSON, Democrat, of Tennessee, who helps Coolidge while his colleague, Senator MCKELLAR, will not, might respond:

"In Knoxville instead of \$7.99 it will cost you \$27.30; in Nashville, \$40.72; in Chattanooga, \$18."

Senator OVERMAN, Democrat, of North Carolina, who voted against the Coolidge proposition, might suggest:

In Asheville it would cost you \$40.90 instead of \$7.99.

Senator SMITH, Democrat, of South Carolina, who believes the South should have the benefit of Muscle Shoals, their own property, and so was against Mr. Coolidge's proposal, could communicate:

In Columbia it will cost you \$39.70, and in Greenville \$43.63 instead of \$7.99.

Senator GEORGE, Democrat, of Georgia, who voted "No" on the Coolidge proposition, could write:

"In Atlanta 624 kilowatts for which you paid \$7.99 would cost you \$35.43."

Senator FLETCHER, Democrat, of Florida, who voted with Coolidge, could say:

"A publicly owned plant at Jacksonville will do it for \$16.85, while a private plant at Pensacola would charge you \$63.20 instead of \$7.99."

Senator WILLIAMS, Republican, of Missouri, who voted with Coolidge, could advise:

"In St. Louis I find you will have to pay \$17.16 instead of \$7.99."

Senator MCKINLEY, Republican, of Illinois, who strongly supported the Coolidge proposition, could write:

"In East St. Louis the private company will charge you \$24.09. There is a municipally owned plant over in Springfield run by Willis J. Spaulding which will charge you \$14.56 instead of \$7.99."

Senator WILLIS, Republican, of Ohio, who always supports Coolidge, could answer:

"In Cincinnati your bill would be \$22.74 instead of \$7.99."

Senator JAMES WATSON of Indiana, Republican leader who voted with Coolidge, might reply:

"In Evansville the cost would be \$34.83 instead of \$7.99."

SMALL POWER USERS

If the commercial and small power users were aware of the vast sums public operation of Muscle Shoals would save them, it is inconceivable that as intelligent business men they would consent for a moment to the Coolidge-Hoover program.

As a matter of historic fact, it was the small manufacturers and business men of Ontario who started the movement 20 years ago to capture the Canadian Niagara power for themselves and all the people. They succeeded, and to-day have not only the largest but the most efficient and cheapest superpower system in the world.

Their financial success should arrest the attention of men who desire to promote the South because Ontario "Hydro" is a success, despite the false propaganda of the National Electric Light Association, publicity agent for the power trust, which circulated the utterly false and discredited report of William H. Murray in 1922 and are at least sympathetic with if not actively behind the circulation of the equally ridiculous attack on the Ontario system by the late Professor Mavor, which has been sent gratuitously by the thousands to prominent men throughout the South; a book laughed at in Ontario. It is not

worthy that Mavor does not quote electric light and power rates, which is the real point at issue.

Small southern power users will be interested in the following comparison of rates, which I have had especially made for this bulletin by one of the most competent active electrical engineers in the Nation, whose name I can not here disclose for protective reasons.

The installation considered for comparison was a 10-horsepower motor, operating 8 hours per day, 30 days a month, at full load for the entire period, giving as a result 1,560 kilowatt-hours consumed for the month and a peak load of 10 horsepower of $7\frac{1}{2}$ kilowatts.

The rates for the Ontario cities are taken from the seventeenth annual report (1924) of the Hydro Electric Power Commission of Ontario, pages 484-490. The Tennessee rates are derived from the 1924 Rate Book of the National Electric Light Association, pages 419-425.

The Ontario cities are served from the Queenstown hydroelectric plant below Niagara Falls, the Tennessee cities from the great hydroelectric plant of the Tennessee Power Co. at Hales Bar, about 10 miles below Chattanooga on the Tennessee River. The above data is given to meet vague talk and quibbling, and to furnish engineers, accountants, and technical men the exact factors upon which the following figures are based:

Comparative cost of a 10-horsepower motor in Tennessee and Ontario

City	Approximate distance from generating station	Population	Net bill
	Miles		
Chattanooga, Tenn.	10	60,163	80.65
St. Catharine, Ontario	10	21,194	15.56
Nashville, Tenn.	100	121,128	84.44
London, Ontario	100	61,369	21.02
Knoxville, Tenn.	120	88,869	68.76
Windsor, Ontario	200	42,122	28.17

On April 26 the bids for Muscle Shoals now being received by the joint congressional committee will be reported to Congress for action. And the next great battle will begin. It is evident that two great forces are in conflict—the power monopoly as against certain industrial interests which desire to utilize Muscle Shoals for manufacturing purposes only.

In either case the supreme, direct boon which this great plan might be to the southern people will be lost to them. The power crowd will generate low and sell high, as at present. The manufacturers will use the site for themselves.

The Norris plan establishes real competition between the existing Power Trust and the people's own plant. It will give the cities, the farmers, the manufacturers, and everybody the chance to buy power from Uncle Sam at cost and distribute it themselves. That chance alone will bring power rates tumbling all over the South, just as the Cleveland (Ohio) Illuminating Co. sells domestic lighting now at 5 cents per kilowatt hour, instead of 10 cents as it once did, because of the presence of the municipal 3-cent plant, one-quarter its size.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and a joint resolution of the House were severally read twice by title and referred as indicated below:

H. R. 3791. An act to purchase a painting of the several ships of the United States Navy in 1891 and entitled "Peace";

H. R. 3990. An act for the erection of a monument upon the Revolutionary battle field of White Plains, State of New York; and

H. J. Res. 176. Joint resolution establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversaries of the independence of Vermont and the battle of Bennington, and authorizing an appropriation to be utilized in connection with such observance; to the Committee on the Library.

H. R. 5359. An act authorizing the purchase by the Secretary of Commerce of a site and the construction and equipment of a building thereon for use as a master track scale and test car depot, and for other purposes; to the Committee on Public Buildings and Grounds.

H. R. 6252. An act amending section 52 of the Judicial Code; to the Committee on the Judiciary.

H. R. 9511. An act authorizing the Postmaster General to remit or change deductions or fines imposed upon contractors for mail service; to the Committee on Post Offices and Post Roads.

PROPOSED WALKER RIVER DAM, NEVADA

Mr. ODDIE submitted an amendment intended to be proposed by him to the bill (S. 2826) for the construction of an irrigation dam on Walker River, Nev., which was ordered to lie on the table and to be printed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1226) to amend the trading with the enemy act.

The message also announced that the House had passed without amendment the following bills of the Senate:

S. 99. An act for the relief of the owner of the lighter *Eastman No. 14*;

S. 113. An act for the relief of the owner of the American barge *Texaco No. 153*;

S. 547. An act for the relief of James W. Laxson;

S. 1131. An act for the relief of James Doherty; and

S. 2338. An act authorizing the President to reappoint Chester A. Rothwell, formerly a captain of Engineers, United States Army, an officer of Engineers, United States Army.

PUBLIC BUILDINGS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) to provide for the construction of certain public buildings, and for other purposes.

Mr. FERNALD. Mr. President, two weeks ago to-day the public buildings bill was placed before the Senate. It has been the unfinished business for a large part of the time during the past two weeks. During some days the bill has never been mentioned, and other matters which seemed to be of more importance to Senators have been debated. I have endeavored to give every Senator an opportunity to present what seemed to be reasonable legislation.

In the interest of economy I believe the bill ought to have prompt action, consideration, and enactment. It is costing the Government of the United States \$70,000 every day for rentals, and every time a lease expires on a rented building the charges are advanced; so that, considering efficiency in the conduct of the public business and the interests of economy all around, I believe every day of delay in the enactment of this proposed legislation is costing the Government \$75,000.

Of course, the entire expense can not be relieved immediately by the passage of this measure, but we can, at least, begin to relieve the situation. I am not going to make any speech or remarks in reference to the bill. It has been debated pro and con, by both sides. I am going to ask that we may make some progress to-day and that we agree to the amendment reported by the committee on page 2, line 7.

The VICE PRESIDENT. The amendment referred to by the Senator from Maine will be stated.

The CHIEF CLERK. In section 1, page 2, line 7, after the word "purposes," the Committee on Public Buildings and Grounds propose to insert the words "giving preference, where he considers conditions justify such action, to cases where sites for public buildings have heretofore been acquired or authorized to be acquired," so as to read:

That, to enable the Secretary of the Treasury to provide suitable accommodations in the District of Columbia for the executive departments and independent establishments of the Government not under any executive department, and for courthouses, post offices, immigration stations, customhouses, marine hospitals, quarantine stations, and other public buildings of the classes under the control of the Treasury Department in the States, Territories, and possessions of the United States, he is hereby authorized and directed to acquire, by purchase, condemnation, or otherwise, such sites and additions to sites as he may deem necessary, and to cause to be constructed thereon, and upon lands belonging to the Government conveniently located and available for the purpose (but exclusive of military or naval reservations), adequate and suitable buildings for any of the foregoing purposes, giving preference, where he considers conditions justify such action, to cases where sites for public buildings have heretofore been acquired or authorized to be acquired.

Mr. HARRISON. Mr. President, I merely wish to call the attention of the Senate to this remarkable bill and to insert in the bill instead of the words "the Secretary of the Treasury," the name of Mr. Mellon, who will have full charge of the expenditures of the moneys proposed to be appropriated by the bill, of the location of the sites of the proposed buildings, the fixing of their cost, and everything else which is proposed to be done by the bill; in other words, I merely wish to call the attention of the Senate how the bill would read if we would strike out the words "the Secretary of the Treasury," and the personal pronouns referring to him where they occur in the bill, and insert the words "Mr. Mellon." Should that be done, it would very plainly be shown just what authority we are proposing to give one man.

Mr. LENROOT. Mr. President, will the Senator from Mississippi yield to me?

Mr. HARRISON. Not just for the present. I want to finish my statement.

Mr. LENROOT. I hope the Senator will yield at this point.

Mr. HARRISON. I will not yield now. I will yield to the Senator presently.

Mr. President, should the pending bill be amended by the substitution of the name of Mr. Mellon, as I have suggested, it would read as follows:

Be it enacted, etc., That, to enable Mr. Mellon to provide suitable accommodations in the District of Columbia for the executive departments and independent establishments of the Government not under any executive department, and for courthouses, post offices, immigration stations, customhouses, marine hospitals, quarantine stations, and other public buildings of the classes under the control of Mr. Mellon in the States, Territories, and possessions of the United States, Mr. Mellon is hereby authorized and directed to acquire, by purchase, condemnation, or otherwise, such sites and additions to sites as Mr. Mellon may deem necessary, and to cause to be constructed thereon, and upon lands belonging to the Government conveniently located and available for the purpose (but exclusive of military or naval reservations), adequate and suitable buildings for any of the foregoing purposes, giving preference, where Mr. Mellon considers conditions justify such action, to cases where sites for public buildings have heretofore been acquired or authorized to be acquired, and to enlarge, remodel, and extend existing public buildings under the control of Mr. Mellon, and to purchase buildings, if found to be adequate, adaptable, and suitable for the purposes of this act, together with the sites thereof, and to remodel, enlarge, or extend such buildings and provide proper approaches and other necessary improvements to the sites thereof. When a building is about to be constructed on a site heretofore acquired and such site is found by Mr. Mellon to be unsuitable for its intended purpose, Mr. Mellon is hereby further authorized and empowered to acquire a new site in lieu thereof by purchase, condemnation, exchange, or otherwise, and to dispose of the present site by public sale and to execute the necessary quitclaim deed of conveyance: *Provided*, That in carrying into effect the provisions of this act, in so far as relates to buildings to be used in whole or in part for post-office purposes, Mr. Mellon, under regulations to be prescribed by Mr. Mellon, shall act jointly with the Postmaster General in the selection of towns or cities in which buildings are to be constructed and the selection of sites therein: *Provided further*, That all sketches, plans, and estimates for buildings shall be approved by Mr. Mellon and the head of each executive department who will have officials located in such building.

Mr. Mellon is authorized to carry on the construction work herein authorized by contract, or otherwise, as Mr. Mellon deems most advantageous to the United States, and in case appropriations for projects are made in part only to enter into contracts for the completion in full of each of said projects.

In all cases where the construction of buildings in the District of Columbia, under the provisions of this act, requires the utilization, in the opinion of Mr. Mellon, of contiguous squares as sites thereof, authority is hereby given for closing and vacating such portions of streets as lie between such squares and such alleys as intersect such squares, and the portions of such streets and alleys so closed and vacated shall thereupon become parts of such sites.

SEC. 2. (a) The work of preparing designs and other drawings, estimates, specifications, and awarding of contracts, as well as the supervision of the work authorized under the provisions of this act, shall be performed by the Office of the Supervising Architect, of Mr. Mellon's department, under the direction of Mr. Mellon, except as otherwise provided in this act, but in designing and constructing buildings under the provisions of this act preference shall be given, so far as practicable, to standardized types, and in other cases where possible and appropriate to commercial types modified to meet governmental requirements rather than to buildings of monumental character.

(b) Mr. Mellon is authorized, in his discretion, (1) to procure advisory assistance when deemed advantageous in special cases involving design or engineering features, and (2) to employ, to the extent deemed necessary by Mr. Mellon in connection with the construction of buildings for the Departments of Commerce and Labor, the architects who were successful in competition heretofore held for a building for the then Department of Commerce and Labor, and to pay reasonable compensation for such services.

(c) Mr. Mellon is authorized to employ such additional technical, scientific, and clerical assistance in or under the Office of the Supervising Architect, both in the District of Columbia and in the field, as Mr. Mellon deems necessary, and to fix such rates of compensation therefor as Mr. Mellon deems proper, not, however, in excess of the maximum rates paid for the same or similar service in other departments, such employment to be made in accordance with the civil service laws, rules, and regulations, and to submit to Congress through customary channels estimates for appropriations for compensation for such personal services, and for travel, subsistence, and other expenses involved in making any investigation or survey of building conditions or in the examination of sites which Mr. Mellon may find to be necessary.

SEC. 3. In carrying into effect the provisions of existing law authorizing the acquisition of land for sites or enlargements thereof, and the erection, enlargement, extension, and remodeling of public buildings in the several cities enumerated in Senate Document No. 28, Sixty-eighth Congress, first session, and including public buildings at St. Louis, Mo., authorized by the public buildings act approved March 4, 1913, amended by the act of January 17, 1920, and Newark, N. J., authorized by the public buildings act approved March 4, 1913, amended by the act of August 11, 1913, extension of the Federal building at Utica, N. Y., authorized by the public buildings act approved March 4, 1913, extension of the Federal building at Missoula, Mont., authorized by the public buildings act of March 4, 1913, the additional buildings for the Marine Hospital at Chicago, Ill., authorized by the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes, approved July 19, 1919, and for medical officers' quarters at the marine hospital at Savannah, Ga., authorized by the act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes, approved July 19, 1919, and for the construction of marine-hospital facilities at Detroit, Mich., authorized by the act, Public No. 278, Sixty-eighth Congress, approved June 7, 1924, Mr. Mellon is hereby authorized to disregard the limit of cost fixed by Congress for each project, to purchase additional land for enlargement of sites and to enter into contracts for all or so many of said buildings heretofore authorized to be constructed, but not yet under contract, as may be possible within a total additional limit of cost of \$15,000,000: *Provided*, That in constructing the buildings embraced herein Mr. Mellon is authorized, in his discretion, to provide space in such buildings for other activities or branches of the public service not specifically enumerated in the act or acts authorizing the acquisition of the sites, or the construction of the buildings, or both.

SEC. 4. Mr. Mellon shall submit annually and from time to time as may be required estimates to the Bureau of the Budget, in accordance with the provisions of the Budget and Accounting Act, 1921, showing in complete detail the various amounts it is proposed to expend under the authority of this act during the fiscal year for which said estimates are submitted.

SEC. 5. For the purpose of carrying out the provisions of this act the sum of \$150,000,000, in addition to the amount authorized in section 3 hereof, is hereby authorized to be appropriated, but under this authorization and from appropriations (exclusive of appropriations made for "remodeling and enlarging public buildings") heretofore made for the acquisition of sites for, or the construction, enlarging, remodeling, or extension of, public buildings under the control of Mr. Mellon, not more than \$25,000,000 in the aggregate shall be expended annually: *Provided*, That such amount as is necessary, not to exceed \$50,000,000 of the total amount authorized to be expended under the provisions of this act, shall be available for projects in the District of Columbia, and not more than \$10,000,000 thereof shall be expended annually: *Provided further*, That expenditures outside the District of Columbia under the provisions of this section shall not exceed the sum of \$5,000,000 annually in any one of the States, Territories, or possessions of the United States.

In each of the cities in which a site is to be acquired under the provisions of this act Mr. Mellon shall solicit proposals by public advertisement. Such advertisement shall be published for a period of 20 days in one of the newspapers in said city having the largest circulation for the sale of land suitable for the purpose. Mr. Mellon shall cause the sites offered, and such others as may be found to be suitable or desirable for the purpose, to be examined in person by an agent employed or detailed for the purpose, who shall make written report to Mr. Mellon of the results of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

That in case a site or additions to a site acquired under the provisions of this act contains a building or buildings, Mr. Mellon is hereby authorized, in his discretion, to rent until their removal becomes necessary such of said buildings as may be purchased by the Government, or the land on which the same may be located where the buildings are reserved by the vendors, at a fair rental value, the proceeds thereof to be deposited in the Treasury of the United States, and a report of the proceedings to be submitted to Congress annually.

That, so far as practicable, all buildings constructed, enlarged, or extended under the provisions of this act shall be unexposed to danger of fire from adjacent buildings by an open space of at least 40 feet on each side, including streets and alleys: *Provided*, That Mr. Mellon may, in his discretion, acquire sites on which an open space of the extent hereinbefore specified can not be reserved, and Mr. Mellon is likewise authorized, whenever in Mr. Mellon's judgment such action is necessary and warranted, to reduce the open space about any Federal building heretofore constructed and under the custody and control of Mr. Mellon's department.

In carrying into effect the provisions of this act, if Mr. Mellon deems it to be to the best interests of the Government to construct Federal

buildings to take the place of existing Federal buildings, Mr. Mellon is hereby authorized to cause the present buildings to be demolished in order that the sites may be utilized in whole or in part for such buildings, or where in Mr. Mellon's judgment it is more advantageous to construct a Federal building on a different site in the same city, to sell any such building or buildings and the site or sites thereof, at such time and on such terms as Mr. Mellon deems proper, and to convey the same to the respective purchasers thereof by the usual quitclaim deed, and to deposit the proceeds of the sales thereof in the Treasury as miscellaneous receipts.

SEC. 6. The provisions of section 10 of the legislative, executive, and judicial appropriation act for the fiscal year ended June 30, 1920, approved March 1, 1919, relating to the assignment of space in public buildings in the District of Columbia, shall apply to all buildings constructed, extended, or enlarged under the provisions of this act in the District of Columbia, and no land for sites or enlargement of sites therefor shall be acquired or land belonging to the United States be taken for sites or enlargement of sites therefor without prior approval of the commission created by said act of March 1, 1919; no contract shall be let for any building or the enlargement or extension of any building in the District of Columbia, under the provisions of this act without the approval of said commission as to the assignment and general arrangement of space therein; and said commission shall determine the order in which buildings or enlargement of buildings in the District of Columbia under the provisions of this act shall be constructed.

SEC. 7. That Mr. Mellon is hereby further authorized and empowered to cause such survey and investigations of public-building conditions to be made and such data obtained as Mr. Mellon deems necessary properly to carry into effect the provisions of this act.

Mr. SIMMONS. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from North Carolina?

Mr. HARRISON. I yield to the Senator.

Mr. SIMMONS. Several days ago, when this matter was before the Senate, some question was raised about conferring upon the Secretary of the Treasury the right to purchase such sites and erect such public buildings at such cost as he might designate; and it was thought by a number of us that that was rather too much power to put in the hands of one man. It was stated at that time that should the Swanson amendment be adopted it would restrain the Secretary from buying a site or erecting a public building thereon until an itemized report had been made to the Congress and the money appropriated by the Congress for that specific purpose. That seemed to me at the time to be a fairly good remedy, as it applied to the right of the Secretary to purchase sites and to construct buildings. It would at least leave in the hands of the Congress control and enable them to approve or disapprove of any purchase of sites, the construction of any building, or the price proposed to be paid for any building.

But there is another power given the Secretary of the Treasury in the bill as just read by the Senator from Mississippi which would not be covered, as I see it, by the Swanson amendment. The Secretary of the Treasury is authorized to sell such sites as have already been acquired by the Government, and he is authorized to tear down or to sell such public buildings now owned by the Federal Government as in his opinion are not suitable for the purposes and uses to which they are being put, and to cover into the Treasury the receipts from the sale of these sites and these buildings.

That would confer upon the Secretary the power to sell a site at any price that he might think was justified, and it would confer upon him the power to sell any public building, post-office building, courthouse building, or customhouse building that the Federal Government now owns and cover the money into the Treasury; and under the Swanson amendment the Congress would have no right to interfere with his disposition of these properties at whatever price he might see fit to dispose of them for. I desire to ask the Senator from Maine if I am not correct about that?

Mr. FERNALD. I think the Senator is correct.

Mr. SIMMONS. I desire to ask the Senator what he proposes to do with reference to it, in order that the Congress may have its hands upon this fund, so as to approve or disapprove before the Secretary of the Treasury acts in the sale of a site or in the sale of a building?

We have not heretofore disposed of Government property without Congress having something to say about it. This bill gives the Secretary of the Treasury blanket power to dispose of any building that the Government now owns, anywhere in the United States, if in his judgment it is not quite suited, either as to location or as to construction, for the purposes to which it is dedicated.

Mr. FERNALD. The Secretary of the Treasury doubtless has the authority to sell sites or to exchange property. For instance, in some cities of the United States the Government owns buildings and sites worth at least a million dollars more than it would cost to procure a site and erect a building in a section of the city that would accommodate people better than the present buildings.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Mississippi yield to permit me to ask a question of the Senator from Maine at this point?

Mr. HARRISON. Yes.

Mr. ROBINSON of Arkansas. In nearly every case where a Federal building is located a bitter contest arises as to the selection of the site. The Senator knows that to be the case.

Mr. FERNALD. I do.

Mr. ROBINSON of Arkansas. Does this bill give to the Secretary the power to reopen questions of that character, and to make an exchange of sites?

Mr. SIMMONS. Undoubtedly.

Mr. FERNALD. It does.

Mr. ROBINSON of Arkansas. Does the Senator think that that authority ought to be unlimited and unrestricted?

Mr. FERNALD. In my opinion, in order to make progress and get ahead rapidly in constructing buildings, instead of coming back to Congress and getting authority, in which case it would be necessary to wait a year, authority should be given the Secretary to make those changes.

Mr. SIMMONS. But, if the Senator will pardon me, he is given this authority with reference to sites that have been purchased and upon which no buildings have been constructed. We all know that in the selection of those sites there is frequently very sharp rivalry and contest. Under this bill the Secretary of the Treasury can reopen all of those contests, can readjust the place where the building is to be erected, and the Congress will have nothing to do with it. He can swap one site for another site, and the Congress will have nothing to do with it. He can exchange one building that the Government owns and is now using for public purposes for some other building, and the Congress has nothing to do with it; or he can tear down an existing building and erect a new building, and the Congress has nothing to do with it; or he can sell a building that is already used by the Government—it may be a building of great value. The Secretary may say, as the Senator now says, that that building at the time it was constructed was possibly in a convenient and suitable place, but conditions have changed in that city, and it is no longer in a suitable place for the purpose; and therefore the Secretary of the Treasury is given authority to sell that building at any price that he and the purchaser may agree upon, and the Congress has no voice in saying whether or not that price is adequate, and whether or not that building ought to have been sold. Does the Senator feel that the Secretary ought to be given these broad powers without any restriction whatsoever?

Mr. FERNALD. I feel that he should. I think it is a business proposition.

Mr. SIMMONS. Very well; if the Senator does, then I disagree with the Senator; that is all.

Mr. FERNALD. Yes; that is all. If the Senator desired a post-office building in his State and an exchange of sites, would he want to wait until he could come back to Congress a year from now and then carry it on?

Mr. SIMMONS. Yes.

Mr. FERNALD. I prefer to leave it to somebody who can proceed at once.

Mr. SIMMONS. I think it is a great deal better to wait a year before selling a building for what the Congress might consider an inadequate price. The people of this country have waited and are still waiting for public buildings, and where we already have a public building that we are using and that is reasonably meeting the requirements of the situation I think if that building is to be torn down and another site is to be selected, or if it is to be sold, the Congress ought to have the same voice in that matter that we propose to give it in connection with sites that are to be purchased in the future and buildings that are to be hereafter erected.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. SIMMONS. If the Senator will pardon me just a minute, if the Senator from Maine thinks that it was proper and good public policy to restrain the Secretary's will and discretion with reference to the purchase of sites hereafter or the erection of buildings hereafter, upon what theory or upon what process of reasoning does the Senator object to restraining him from selling sites that have already been purchased by the Government and selling buildings that have already been constructed and are being used by the Government without the

Congress having any voice in fixing the prices or determining the question of sale or change in location?

Mr. HARRISON. Mr. President—

Mr. LENROOT. Mr. President, will the Senator yield to me now? He promised to yield to me.

Mr. HARRISON. Yes; I yield to the Senator just for a question.

Mr. LENROOT. I desire to ask the Senator whether, in the review that he made of this bill, he considers the words "Secretary of the Treasury" and "Mr. Mellon" as synonymous.

Mr. HARRISON. Well, at least until this administration goes out on the 4th of March, 1929.

Mr. LENROOT. Then the Senator wishes to modify it in that way, because otherwise he would have to assume that Mr. Mellon will continue to be Secretary of the Treasury until at least 1932.

Mr. HARRISON. The Senator will get enough promises in the coming fall to do the damage, I am afraid.

Mr. President, it has been shown that there is so much opposition to this public buildings bill, it is such a makeshift, that the time of the Senate should not be taken up with it. There are other measures here that are pressing and should be passed, notably the legislation reported out of the Committee on Agriculture and Forestry, known as H. R. 7893, to create a division of cooperative marketing in the Department of Agriculture, and so forth, the farmers' relief measure. So I move that the Senate proceed to the consideration of House bill 7893, Order of Business No. 589, and on that I ask for the yeas and nays.

Mr. OVERMAN. What is the bill?

Mr. HARRISON. The bill creating a division of cooperative marketing in the Department of Agriculture.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi.

Mr. McKELLAR. I call for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. BRUCE. Mr. President—

The Chief Clerk proceeded to call the roll, and called the name of Mr. ASHURST.

Mr. BRUCE. Mr. President, I note the absence of a quorum.

Mr. FESS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. FESS. What is the question before the Senate upon which we are voting?

The VICE PRESIDENT. The motion of the Senator from Mississippi [Mr. HARRISON] that the Senate proceed to the consideration of House bill 7893.

Mr. FERNALD. I suggest the absence of a quorum.

Mr. HARRISON. I ask for the regular order. The roll call has begun, as I understand.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. BRUCE. Mr. President, as I understand, before the roll commenced to be called I invoked the attention of the Chair.

Mr. SMOOT. Is this a quorum call?

The VICE PRESIDENT. No; it is a call of the yeas and nays.

Mr. SMOOT. No one has answered to the roll call, as I understand.

Mr. HARRISON. I ask for the regular order.

The VICE PRESIDENT. No Senator has responded to the roll call.

Mr. SWANSON. Then, Mr. President, as no Senator has answered to his name, the point of order that no quorum is present is in order.

Mr. SMOOT. Yes; always.

The VICE PRESIDENT. The Secretary will call the roll to ascertain the presence of a quorum.

The Chief Clerk called the roll, and the following Senators answered to their names:

Bayard	Frazier	McMaster	Simmons
Bingham	Gillett	McNary	Smith
Blease	Glass	Mayfield	Smoot
Borah	Goff	Means	Stanfield
Bratton	Gooding	Metcalf	Steak
Broussard	Hale	Norbeck	Stephens
Bruce	Harrell	Norris	Swanson
Cameron	Harris	Nye	Trammell
Couzens	Harrison	Oddie	Tyson
Cummins	Heffin	Overman	Underwood
Curtis	Howell	Philpps	Wadsworth
Dale	Jones, N. Mex.	Pine	Walsh
Deneen	Jones, Wash.	Ransdell	Warren
Dill	Keyes	Reed, Mo.	Watson
Edge	King	Reed, Pa.	Wheeler
Edwards	La Follette	Robinson, Ark.	Williams
Ernst	Lenroot	Sackett	Willis
Fernald	McKellar	Sheppard	
Ferris	McKinley	Shipstead	
Fess	McLean	Shortridge	

Mr. MAYFIELD. I desire to announce that the senior Senator from West Virginia [Mr. NEELY] is detained from the Senate on account of sickness.

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present. The question is on agreeing to the motion of the Senator from Mississippi [Mr. HARRISON] to proceed to the consideration of House bill 7893.

Mr. LENROOT. Mr. President, I simply want to say a word with reference to the motion. The question is debatable.

Mr. HARRISON. I make the point of order that the roll call is in order.

Mr. LENROOT. A matter is debatable after a roll call has been ordered.

The VICE PRESIDENT. The Senator from Wisconsin is recognized.

Mr. LENROOT. Mr. President, the motion is to displace the public buildings bill and to take up the agricultural bill. No Senator need fear for a moment that the agricultural bill will not be taken up and will not be voted upon at this session. As to the public buildings bill, Senators should understand what would be meant by its displacement. In every State—and I can speak particularly of my own State of Wisconsin—there are buildings as to which there is the most urgent necessity of additional appropriations in order to proceed at all. I notice in the list that, fortunately, perhaps, for the Senator from Mississippi, there are only two small cities in his State that would be affected by this bill. But in nearly every other State there are cities which will be affected, where nothing can be done unless some kind of public buildings bill is passed.

Mr. HARRISON. Mr. President, will the Senator name the places in his State?

Mr. LENROOT. At Madison and Kenosha there is particularly great need because of the remarkable growth of those two cities and where the facilities are utterly inadequate.

Mr. OVERMAN. Mr. President, will the Senator yield.

Mr. LENROOT. I yield.

Mr. OVERMAN. Are there not 22 States in this Union, as appeared in the testimony given before the House committee, which will not receive any help at all under the policy to be adopted under this bill?

Mr. LENROOT. Not that I know of.

Mr. OVERMAN. That was stated by a member of the committee on yesterday.

Mr. LENROOT. Certainly there was no testimony before the Committee on Public Buildings and Grounds of the Senate, of which I am a member, to that effect.

Mr. OVERMAN. Not before the Senate committee, but that committee did not have as extensive hearings as were had before the House committee. There are 22 States, one of which is the sixth largest tax-paying State in the Union in which at certain places the buildings have almost fallen down, and yet they are not even mentioned in the list furnished by the Secretary of the Treasury. Twenty-two States are in that category.

Mr. LENROOT. Let me give some information to the Senator from North Carolina upon that subject. I find that there are 10 cities in the Senator's State which would be affected by this bill.

Mr. OVERMAN. Yes; under that \$15,000,000.

Mr. LENROOT. Certainly.

Mr. OVERMAN. Where the sites have been bought, and the amount for the buildings authorized. Certainly they can not build under that amount. That is under the \$15,000,000 appropriation. But under the \$100,000,000 there are 22 States that will not be recognized at all.

Mr. LENROOT. Mr. President, it was stated specifically before our committee that there had been no determination of any kind reached as to where these buildings were to be located.

Mr. SMOOT. Mr. President, as a further statement I want to say that only yesterday I asked the architect if there was any list, or if they had arrived at any conclusion as to where any of these buildings were to be located, and he said that there had been no conclusion.

Mr. OVERMAN. Mr. President, I understood the Senator to state yesterday that the \$100,000,000 would be spent for emergencies in certain great cities.

Mr. LENROOT. May I say to the Senator from North Carolina, as I said yesterday, in my view there may be just as great an emergency, in proportion, in a small city of 10,000 as there is in a city of 1,000,000 population.

Mr. WADSWORTH and Mr. MAYFIELD addressed the Chair.

The VICE PRESIDENT. Does the Senator from Wisconsin yield, and if so, to whom?

Mr. LENROOT. I yield first to the Senator from New York.

Mr. WADSWORTH. I thank the Senator from Wisconsin. The Senator opened his remarks by saying that there was no doubt whatsoever as to the prospect of the Senate taking up for consideration, and voting upon, so-called farm relief legislation. May I merely supplement that statement of his by saying that the majority of the steering committee, at a meeting yesterday, decided to recommend to the members of the majority that the first bill to follow those already recommended shall be the cooperating marketing bill reported by the Senator from Oregon [Mr. McNARY], and it is the full intention of the majority, at least, to see this farm legislation laid before the Senate in ample time for consideration and to reach a vote.

Mr. MAYFIELD. Mr. President, the Senator from Wisconsin has just stated that there was no evidence before the Senate committee showing where this \$100,000,000 would be expended. Of course, that is true, because we had no hearings on the bill.

Mr. LENROOT. No formal hearings, but we did have the Acting Supervising Architect before us.

Mr. MAYFIELD. We got together in an informal way and discussed the bill, but the House committee had extended hearings on it. Mr. Wetmore, the Acting Supervising Architect, drew this bill, and if Senators will consult the hearings, a copy of which I hold in my hand, pages 63 and 64, they will find a list of the places which Mr. Wetmore says are the most urgent, and where he says this \$100,000,000 will be expended. That is the old list of two years ago, which has been scaled down and revised to 82 places; and if we add together the amounts set opposite each place in that list, we will see that the total is \$119,650,000, whereas the bill authorizes only \$100,000,000 for those necessitous cases. Therefore \$20,000,000 will have to be lopped off somewhere.

Mr. SMOOT. In answer to what the Senator has said, a request was made of the architect to prepare a list of the post-office buildings all over the United States that were inadequate. This is the list that was prepared months and months ago. The architect did not say this \$100,000,000 would be spent on those buildings. He has no right to say that.

Mr. MAYFIELD. Certainly he has no right to say it, but he did say that these are the places which need attention first, and where the first money ought to be expended.

Mr. SMOOT. At the time the survey was made that was true; there is no doubt about it. The architect told me yesterday exactly what that meant. It was made some time ago. There have been changes in the United States to which that would not apply to-day, although at nearly every place mentioned the expenditure of money is necessary, of course.

Mr. MAYFIELD. The Senator says changes have occurred since this list was made. When does the Senator think this list was prepared?

Mr. SMOOT. Some months ago.

Mr. MAYFIELD. It was prepared in January of this year.

Mr. SMOOT. I know that only one post-office building is provided for my State, the amount to be expended being \$675,000.

Mr. MAYFIELD. Nine hundred and fifty thousand dollars.

Mr. SMOOT. That is not what is going to happen.

Mr. OVERMAN. Mine is one of the largest tax-paying States in the Union. We have two places there in which there is an emergency, and yet my State is not mentioned in the list. Will that situation be taken care of?

Mr. SMOOT. Under the Swanson amendment which has been offered and which I have no doubt will be agreed to, all the questions then will be discussed here on the floor before ever an appropriation is made.

Mr. OVERMAN. I have no doubt if the Swanson amendment is agreed to it will improve the bill a great deal.

Mr. SMOOT. I have not any doubt about it.

Mr. OVERMAN. Then there will be a scramble before the Appropriations Committee, of which the Senator from Utah is a member, as to where the buildings shall be located and the amount to be appropriated for them. There will be a wild scramble before our committee, and we will have a fight there every year for six years among the 22 States that are not taken care of now.

Mr. SWANSON. Mr. President, will the Senator yield to me?

Mr. LENROOT. I yield.

Mr. SWANSON. To make the matter clear before the Senate I will state that the bill provides \$15,000,000 to complete authorizations heretofore made and which have been reduced to 65 in number.

Mr. MAYFIELD. No; 82.

Mr. SWANSON. In 1922 the department began to urge the committee to approve a public buildings bill showing the congestion in the country, showing where there were post offices in all the States where business could not be done, where they could not even rent buildings because they did not have money enough, and where there was, as I said, great congestion. They then submitted a list of 140 buildings in 1922 where the congestion existed. Subsequently business grew in the large cities, and they submitted an additional list of 19 buildings where the congestion was so great that the business was interfered with seriously. That was done on the motion of the Post Office Department and the Treasury Department. That made 159 buildings in 1922.

No bill has been passed touching the matter except that some money has been appropriated to relieve some of the congestion. Some bills were passed authorizing appropriations to rent buildings, and possibly some appropriations were made for the purpose of enlarging buildings. Senators will find on page 62 of the hearings that the Supervising Architect was requested to show which of the 159 buildings included in the 1922 list are so congested now that the public business is being interfered with. Some places have been taken care of and the congestion has ceased there. The list found on page 63 is simply a list in response to a request as to which of the 159 buildings are in the same condition to-day that they were in at that time. That is true, is it not?

Mr. MAYFIELD. That is correct.

Mr. SWANSON. That is simply to show where the congestion had been relieved, some by making an enlargement of the building, some by giving more money to rent additional space. The congestion in the 159 buildings as it existed in 1922 has been reduced to 82 buildings; but there is nothing here to show that those buildings can be taken care of. Such a provision is not carried in the bill. That list is simply a list in response to a request as to the condition of the 159 buildings reported in 1922. That is true, is it not?

Mr. MAYFIELD. Yes. In that list are three cities from my State showing urgent need. The Senator tells me that those three cities will be taken care of, while the Senator from Utah says the list means nothing. Now, which is correct?

Mr. SWANSON. I say that it will depend on the Congress. What is presented to the Congress, for instance, is a list of three cities in the Senator's State where the Post Office Department says business is being interfered with, not only in the cities themselves but with reference to the distribution of mail all through Texas. They report here that in the cities of Dallas, Houston, and Fort Worth, Tex., there has been such a congestion of public business that it is seriously interfered with. That is what they say. They do not propose to appropriate any money for the relief of that situation. I would not vote for a bill that appropriated money simply for those places and similar places. The 149 places have been reduced in number to 82, and that is what the department, on its own motion, states comprises the list of cities where business is seriously congested.

In my State they say there are three cities where business is congested, but they make no appropriation for them. I know full well the congestion in my State will not be removed unless we have new buildings. I know the congestion can not be removed in that respect even when this bill is passed. The question that is presented is whether we can get rid of the congestion in these 82 cities, which comprise the cities where business is congested as was set forth in the list which was furnished in 1922.

My amendment provides that no contract shall be entered into by the department until the money is appropriated. It must be appropriated after approval by the Appropriations Committee. If a Senator wants to get a building in Houston or a building in Virginia or a building in North Carolina, an estimate must be made under the Budget system. It then comes to the Appropriations Committee. The Appropriations Committee then reports the bill to Congress and Congress has to approve it. The \$100,000,000 is left absolutely at the disposal of future Congresses or this Congress by future action.

I do not see how we are going to get public buildings in any other way unless we have a specific authorization for the specific purpose. I believe it would take a month or two months to do that. All I know is that if the bill does not pass, the congestion in these various States, which has become almost a public scandal in its interference with business, will continue.

Mr. GOODING. Mr. President, will the Senator from Wisconsin yield to me?

Mr. LENROOT. I yield to the Senator from Idaho.

Mr. GOODING. In order that my vote may be understood on the pending motion to set aside the bill that is now under consideration and to take up in its stead farm legislation, I wish

to say, as a member of the steering committee, that last evening a place was given to farm legislation to follow the railroad labor bill, which should come up in the next few days. In the meantime, I want to say there is a series of luncheons being held in the District Committee room, two having already been held and one to be held to-day, to which all Senators are being invited, in order that they may listen to a discussion of the needs of farm legislation with reference to the bill which is now on the calendar as reported by the Senator from Oregon [Mr. McNARY].

I shall be forced to vote against the present motion of the Senator from Mississippi, because I am sure that a great deal of good is going to be done at these meetings. Farm legislation is being discussed by Mr. Davis, who is well known to most Senators, I think. I make this explanation in order that my vote may be understood when the vote is finally taken on the motion of the Senator from Mississippi.

Mr. LENROOT. Mr. President, I want to repeat and emphasize that if the bill does not pass in some form there will be no opportunity whatever for relieving the congestion which exists; there will be no opportunity whatever for securing any appropriation for any public buildings or completing those that have heretofore been authorized. Of course, if Senators wish to be placed in that position, that is their affair.

As I said, the Senator from Mississippi is in a position where he has only two very small cities that are affected, and probably there is no congestion in either of them; but there are at least half of the States of the Union, and I think three-fourths of them, where there is congestion and urgent need for something to be done. What Senators must vote upon is whether we will get some kind of a bill through that will be of some aid, or whether we will do nothing but permit present conditions to continue.

Mr. BRUCE. Mr. President, I merely desire to say that I trust that the motion of the Senator from Mississippi [Mr. HARRISON] will not be sustained. Of course, I know that the Senator feels just as sincere an interest in the welfare of the farmer as I or any other Member of the Senate. But so far as I know his relations to agricultural subjects have not been marked by any such extraordinary degree of zeal as to impel us to believe that his motives in offering his motion are referable solely to an inclination to promote the early enactment of agricultural legislation at this session of Congress. I can only speculate about these motives, and when we enter the field of speculation we very often make some very grave blunders. But I imagine that the motion of the Senator is inspired by his feeling that the improvements which are to be made outside of the District of Columbia under the provisions of the pending bill may be distributed in such a manner as to prejudice the interests of the Democratic Party.

I submit that no such motive as that—and I say it with the utmost deference to the Senator—should be allowed to interfere with the passage of a great measure like this. When we recollect that \$15,000,000 of the amount appropriated by the bill will be used for the completion of local public-building projects throughout the United States, which have been already authorized and are matters of the deepest concern to the people of the different communities in which they are to be carried out, and when we recollect further that \$100,000,000 of the amount appropriated by the bill is also to be used throughout the United States for the erection of Federal buildings, I say that any party, whether it be the Democratic or the Republican Party, would assume a serious responsibility indeed were it to thwart the expenditure of those sums.

I can not conceive of anything better calculated to excite disappointment and resentment throughout the country than the feeling that the motives which have brought about the shipwreck of the pending bill were not motives of a nature to justify such a motion as that of the Senator from Mississippi. Even if the application of the bill were limited to our national territory outside of the District of Columbia, I say that in my humble judgment the motion of the Senator from Mississippi would be untimely, would be injudicious, not only from a public but from a party point of view. However sincere the intention back of it may be, it is, I venture to say, a misconceived motion.

But, Mr. President, the bill has a far greater significance than any mere local significance. The amendment which I have offered to it and which has proved acceptable to the chairman of the Committee on Public Buildings and Grounds, to the Senator from Utah [Mr. Smoot] as a member of the Public Buildings Commission, and to the Supervising Architect contemplates nothing less than a return to the original plan designed by L'Enfant and supervised by George Washington and Thomas Jefferson for the development of the city of Washington. Over and over again in the past the vision of

that return has presented itself to the imagination of Congress, only later to fade away into nothingness. The consequence is that some 190 buildings have been either constructed, purchased, or rented north of Pennsylvania Avenue without any real reference to considerations of architectural beauty, indeed without reference even to ready intercommunication between the different offices of the Government or other considerations of practical utility; in other words, the public-building growth of this city has been marked to an almost incredible degree by desultory haphazard, ineffective expansion. But we know how strangely great results are often worked out.

All the conditions relating to some project may appear to be hopelessly adverse; years, even generations, may pass without the splendid dream, the radiant thought which inspired it, obtaining fulfillment; and yet a time may come when, through some combination of felicitous circumstances that seems almost fortuitous an opportunity may arise to make that dream a waking reality, and to convert that thought into an actual visible achievement.

In this manner it has come about that the L'Enfant plan for the development of Washington may be realized almost in all the amplitude of its original conception. Seemingly all opposition to it has died down and all indifference to it has been dissipated. Everyone seems to be favorable to it. The whole psychology of the hour seems to prosper it. The idea underlying my amendment is no new one. So far as I am concerned, its conception has not the slightest claim to originality. I have no interest in it except as an American citizen proud of his country and of its Capital, who can see no reason why, when this great country of ours is the wealthiest and most powerful upon the globe, it should not have the most beautiful Capital upon the globe, including a group of public buildings as handsome and imposing as any that ever shed imperishable renown upon ancient Athens or ancient Rome or made modern Paris or Vienna annually the famed resort of thousands of tourists.

The press is favorable to the amendment which I have proposed and has expressed itself in terms of pointed approbation. It has received the approval of more than one architect of distinction. In other words, the time is ripe for its adoption. At last everything is propitious for the resumption of the plan of L'Enfant and Washington and Jefferson.

Great as Washington and Jefferson were in other respects, in nothing did they exhibit more breadth of vision, more liberality of spirit, a more truly cosmopolitan character than in their anticipation of the future growth of Washington, then little more than a straggling village, almost lost in the woods and quagmires. Just as their vision lifted them up above even the crest of the Alleghenies and brought within the range of their foresight the vast possibilities of the boundless and all but unknown West so it was sufficiently exalted to foretell what sort of Capital the scale of our national magnitude would require as time went on.

It was the idea of L'Enfant that this Capitol should stand here where it stands to-day and that no fewer than 16 avenues leading up to it should reveal through beautiful vistas its noble proportions. Then there was to be that superb Mall, 400 feet wide, with a parkway of 600 feet on each side of it, flanked by public edifices stretching away to a point within a few feet of the present Washington Monument; and then from that point leading off to the White House, which was to be placed where it is now situated and in such a manner that no fewer than seven different avenues were to open up vistas to the eye disclosing it as it was approached.

Of all that wonderful plan little in the way of public buildings and their appurtenances exists to-day but this splendid edifice, the White House, and the open spaces of the projected Mall and parkways which happily still remain open though never improved and adorned as originally intended.

As has already been pointed out, the friends of agricultural legislation need have no fear. For one, I pledge my vote now in support of the proposition that it shall be given the right of way over all other kinds of legislation at this session. Such legislation has been maturing for a long time, and now that it is deemed by its sponsors to be almost fully matured, it is entitled to the speediest and the most deliberate consideration. It has already, as the Senator from New York [Mr. WADSWORTH] has pointed out, been placed upon the program of the steering committee of the majority of this body. There is not the slightest likelihood that it will not receive in every respect the measure of attention that it justly deserves. At this moment, as I am speaking, it is not ready for presentation to us, for the Senator from Idaho [Mr. GOODING] has just stated to us that a conference with regard to it is going on to-day in the room of the Senate Committee on the District of Columbia, and there is reason to believe that this con-

ference may continue throughout to-day and, for all that I know, for a day or so more. So, in the meantime, let us pass the pending bill. It is my sincere belief that if we could get to a vote upon the amendments it would not be long before it would be passed. Therefore, despite the high degree of respect which I entertain for the Senator from Mississippi [Mr. HARRISON], I hope sincerely that his motion will not prevail.

Mr. McNARY obtained the floor.

Mr. NORBECK. Mr. President—

Mr. McNARY. I yield to the Senator from South Dakota.

Mr. NORBECK. Mr. President, I merely wish to make a brief statement. It is my intention to vote against the motion of the Senator from Mississippi, not that I am particularly interested in the public buildings bill, but I am interested in orderly procedure, and I think the pending bill should be allowed to come to a vote. However, what prompts me to speak is the interest of agriculture. I am thoroughly convinced that the better way is to let agricultural relief legislation take its place on the program. We have contended hard for a place for it; a majority of the Senate has agreed that the question shall be taken up in all seriousness and brought to a vote before the close of the session. Yesterday the Republican steering committee, of which I am a member, put it on the preference list. It is the first of the new bills added to the program. It is my judgment, Mr. President, that those who believe in some sane agricultural legislation which will put the farmer's dollar up to par should vote against the pending motion in order that the bills may take their regular course.

Mr. McNARY. Mr. President, there is much to admire in the very earnest interest of my able and distinguished friend, the Senator from Mississippi [Mr. HARRISON], in and his desire to bring about farm-relief legislation at as early a time as possible and in a manner and fashion to do the best for the farmers so far as it can be done by legislation. However, there is no emergency at this time which would justify an effort to set aside the present unfinished business, the public buildings bill, and substitute therefor farm-relief legislation based upon a relief measure which I presented to the Senate a few days ago.

I make that statement in the interest of agriculture. Last week when I proposed certain legislation embodying the report of the Senate Committee on Agriculture I asked for time within which to file a written report. That time was allowed, and on Saturday of last week I was able to submit a report which was published and placed on the desks of Members of the Senate on Monday of this week. Consequently, sufficient time has not been given to Members of the Senate to study this important proposed legislation.

The particular piece of legislation which needs study is contained in the amendment to the main bill, which is designed to create a division of cooperation in the Department of Agriculture. This amendment embraces some of the principles of the old bill known as the McNary-Haugen bill, which was designed to take care of the exportable surpluses in the basic agricultural commodities of the country. It has been much discussed throughout the country.

There have been many modifications of this bill, such as the Dickinson bill, the so-called new Haugen bill, the bill which is sponsored by the Secretary of Agriculture, Mr. Jardine, known as the Tincher bill, all in one way or another embodying the general elements of the old exportable surplus bill, but with modifications and simplifications with which many of us are not conversant.

Beyond that, Mr. President, the House, by a rule made effective a few days ago, decided to give Tuesday, Wednesday, Thursday, and Friday of next week to the discussion and consideration of farmer relief measures. One of those measures is similar to the amendment which I have offered to the bill now pending here known as the cooperative bill, one of which has been proposed by Mr. HAUGEN and another by Mr. TINCHER. The other is a part of the cooperative organization bill known as the Curtis-Aswell bill, and embodies some of the features known as the Yoakum plan.

Four days will be given to discussion of these various bills in the House, one of which, or perhaps a mingling of all, will come to the Senate at this session. We will have the advantage of the House discussion, of the best thought of the House; and we will be able to shorten the time necessary for the consideration of farm-relief measures in the Senate if we have the advantage of the discussion and debate that will ensue in the House.

So, Mr. President, any way we may look at it, and particularly in view of the attitude of the House and of the action of the steering committee yesterday fixing a status for this proposed legislation, I think it would be highly imprudent at this

time to attempt to bring out farm-relief legislation when no one is prepared to discuss it. I think that few members of the committee are in position to do so. I feel, after submitting the report, that should we have the advantage of the discussion in the House and their determination as how to approach this great subject under the three plans afforded, we will have something concrete upon which we may work and will be able to shorten the time necessary for a complete consideration in order to give agriculture that relief to which it is entitled.

For that reason alone, Mr. President, I think it would be very unfortunate if at this time we should attempt to consider here a bill for the relief of agriculture which could not properly be presented and which would displace a bill which is much needed in the country. With the assurance of two great committees on agriculture, of the steering committee and of those who are here of a determination to see that agricultural relief shall be provided this year, no one need be affrighted by the suggestion that we are going to adjourn until we enact farm-relief legislation. There are not enough men in the Senate, Mr. President, or in the House who would have the courage, if I may put it in that way, or who would dare to go home and face their constituencies until they had first given an opportunity to this body and the body at the other end of the Capitol to vote upon some kind of farm legislation. For that reason, and for others which I might mention, I sincerely hope that the motion made by the Senator from Mississippi will be defeated.

Mr. BLEASE. Mr. President, I am as much in favor of farm-relief legislation, I suppose, as any man in this body. My people are as much interested in it as the people of any other State in the Union. I think what the Senator from Oregon [Mr. McNARY] has said is wisdom. I firmly believe that the Haugen bill is unconstitutional. I do not believe the Government has any right to put a tax on cotton such as that bill provides. Conferences are being held daily on agricultural matters; and in my opinion, if we want to get something done in behalf of agriculture, the best way to do it is to get this public buildings bill out of the way.

The Senator from Maine [Mr. FERNALD] has been extremely courteous. I think he has yielded more to other Senators during the consideration of this bill than all the other Members of the Senate put together have yielded at this session; and in order to bring the matter squarely before the Senate, I move to lay the motion of the Senator from Mississippi on the table.

Mr. HARRISON. On that I ask for the yeas and nays.

Mr. NORRIS. I hope the Senator will withhold that motion for just a moment.

Mr. BLEASE. Certainly.

Mr. HARRISON. I should like to get the yeas and nays ordered on the proposition.

Mr. NORRIS. Wait until it comes up again. I will help the Senator get the yeas and nays then.

Mr. HARRISON. It is perfectly fair that there should be a record vote on this proposition. Will not the Senator permit the yeas and nays to be ordered at this time?

Mr. NORRIS. If the Senator from South Carolina withholds his motion, which he has agreed to do, it is not before the Senate. He can make it at any other time.

Mr. BLEASE. I withdraw the motion.

Mr. NORRIS. Mr. President, I regret very much that the Senator from Mississippi [Mr. HARRISON] has made this motion. I think the only effect it can have is perhaps to put in an embarrassing situation some Senators who dislike to vote against the motion because it is a motion to take up one of the things that a great many Senators, at least, are exceedingly anxious to pass.

If it were not known that the bill reported by the Agricultural Committee having in view the relief of agriculture is to be taken up, if it were understood not to be on the program or that any question existed about its being taken up, I should not hesitate to support the Senator's motion; but it is known that the bill is on the program and that it is going to be taken up, and that we are going to dispose of it one way or the other.

At the beginning of the session and later on during the session there was some question about whether that would take place; but those who are opposed to that legislation have conceded that it shall have its place on the program, and the so-called steering committee has put it on the program, and it will follow two other bills that were reported long before that bill was reported and that had been put on the program before this bill was reported from the committee.

As a Senator who has probably listened to more testimony and spent more time on the agricultural question than any other Member of the Senate, I want to say that it seems to me I could not support this motion without, as far as I am con-

cerned, apparently acting in bad faith toward others who do not agree with me on the agricultural situation, but who have laid aside their objection and agreed that this bill shall come up in its proper order, and shall be considered and shall be disposed of. I feel as though I would be breaking faith with them if I did not carry out the existing program, at least until there is some indication that there is bad faith somewhere else; and I do not believe there is.

I am not in favor of this public buildings bill, Mr. President. I expect to vote against it, though not for the reasons that some Senators have given. I am not in favor of the old log-rolling, pork-barrel method of constructing public buildings, and yet at this time I am not in favor of any building bill. I will give my reasons later. But we have gone on with this program, as far as I know, everybody acting with the best of faith. This public buildings bill, backed by a great many Senators who are just as earnest in its advocacy as I am earnest in my desire to do something for agriculture, has been on the calendar since last February. We have been considering it for several days. I hope it will be disposed of soon. It seems to me that it presents a question upon which both sides have a right to be heard and upon which I think we ought to accept the verdict of the Senate. Personally, as I said, I do not expect to vote for it.

To take up at this time the so-called agricultural relief bill that was reported later and is now on the calendar would have a tendency rather to disjoin the proceedings and interfere with the program; and if we are going to jump from one thing to another as we go on we will find that we will not get anywhere. There are many Senators who are honestly opposed to the bill and who will fight it to the best of their ability. If this procedure is to be followed and this bill should now be taken up, it will be followed by similar motions to take up other bills.

Mr. President, as long as those who are opposed to farm-relief legislation will act, as I believe they are now acting in good faith to let us who favor it have it taken up and have a vote on it, I do not believe that we ought to interfere with the program, which, as far as I can see, is fair and square. It seems to me, therefore, that we ought not to stop in the middle of the program and take up something else.

Mr. FERNALD. Mr. President, I want to thank the Senator from Nebraska for his fairness, which he always shows on all matters that come before the Senate. He and I do not always agree, but I am frank to admit that he is always fair.

I want to say to the Senator from South Carolina [Mr. BLEASE], of whom I have become very fond since he came into the Senate—he and I have been together on very many propositions, fighting the World Court and other matters—that in a spirit of fairness I am going to ask him as a friend to withdraw his motion to table the motion of the Senator from Mississippi, because I feel that it might be confusing, and let the vote come on the main issue.

Mr. BLEASE. I withdraw it.

Mr. SWANSON. Mr. President, there is no occasion for the motion made by the Senator from Mississippi. The Senators who are in favor of the public buildings bill ought to vote to keep it before the Senate. We are not bound to pass the bill in its present form. We can amend it. No legislation can be passed unless it is offered to the Senate for amendment. I know that there is congestion in every State. It is useless to talk about trying to relieve the congestion that is interfering with the transaction of public business all over the United States unless the Senate in an orderly way can dispose of a bill providing for the erection of public buildings.

Every member of the committee reserved the right to offer amendments or to vote for any amendment that was put before the Senate, because we have not had a public buildings bill since 1913, and there is a congestion of business all over the country. There is no use in making excuses to the effect that we hope some day to get rid of this congestion. We have an opportunity to have this bill debated; we have an opportunity to have it amended; we have an opportunity to present to the judgment of the Senate the kind of public buildings we favor. If Senators do not favor the bill in its present form, let them offer their amendments, submit their propositions, and let the Senate discuss them and vote on them. There is no occasion for coming in here and filibustering to prevent a public buildings bill being passed to relieve the great congestion that exists in this country, and which has become so serious that even the various departments of the Government for the last eight years have asked Congress to pass a bill to relieve this congestion in various parts of the country.

I hope, therefore, that the motion of the Senator from Mississippi will not prevail.

Mr. SMITH. Mr. President, I hope we will clearly understand the situation. Members of different committees—not alone the Agricultural Committee, but members of other committees, Senators who are deeply interested in trying to solve, as early as may be, this pressing agricultural problem—are at work on it now. The bill which has been reported is a mere skeleton around which they hope to frame a measure that will meet the situation as nearly as may be.

The bill that has been reported out is perhaps not now in the form in which those who are interested in legislation along this line would agree to it. In my opinion there is no danger of Congress adjourning until some action has been taken in reference to this pressing agricultural problem. I know that the Senator from Mississippi [Mr. HARRISON], coming from the State that he does, is just as vitally interested in the proper solution of that question or in a solution that is as nearly correct as we can make it as any other Senator. The solution of this agricultural problem that is before us will not admit of delay without danger.

With that in view, I want to appeal to the Senator from Mississippi not to press his motion to take up for discussion a measure that is not in the form in which we hope to get it when we come to consider it on the floor. Practically all the bills that have been reported are more or less tentative, and we are doing all that we can to get amendments or substitutes that will appeal not only to Congress but to the people at large.

Mr. SIMMONS. Mr. President, do I understand the Senator to say that there is to be a meeting in the near future for the purpose of further considering this bill, and possibly making additional amendments to it?

Mr. SMITH. There will be a meeting called to-morrow, not only of members of the committee but of those who are interested in this problem, to consider the matter seriously in every phase, hoping to get as nearly as may be a correct solution of this acute problem.

Mr. SIMMONS. Mr. President, under those circumstances I join the Senator from South Carolina in the expression of the hope that the Senator from Mississippi will withdraw his motion. It will be embarrassing to many Senators to vote against it. I feel, however, that unless better progress is made than we are now making the situation may soon require a motion to displace some of the things that the steering committee of the majority have placed ahead of this farm-relief measure. If this farm-relief measure is not taken up soon, I am going to vote to displace any matter that may be before the Senate by some farm-relief bill.

Mr. SMITH. Mr. President, I think the Senator from North Carolina has expressed the opinion of a majority of Senators on this floor, that when there shall have been worked out a plan favorable to the majority of those who are charged with the duty of framing farm-relief measures, and such a measure shall have been presented to this body they will vote to supplant the balance of the legislation that may not have been acted upon, though reported by the steering committee. It was for that reason that I rose to ask the Senator from Mississippi if he would not withdraw his motion to substitute the agricultural bill for the public buildings bill, because the public at large, the people in general, are very much in earnest about legislation for farm relief, and if the Senator insists on a vote on his motion it will put a good many Senators in a position they can ill justify, in a way. Yet it is perfectly clear to all that we are going to have ample time for the consideration of agricultural legislation before this session of Congress shall adjourn.

As a last word, all I desire to say is that when the committee shall have perfected an agricultural relief bill and brought it before the Senate no interference with its consideration will be tolerated.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The question is on agreeing to the motion of the Senator from Mississippi to take up House bill 7893, the cooperative marketing bill.

Mr. REED of Missouri. Mr. President, I dislike to be found so often in opposition to the majority of my colleagues, but I think this is an opportune time to say that this public buildings bill in its present form will not be passed until after the most strenuous possible opposition.

The theory on which we have acted so many times in recent years has been that if something ought to be done, any measure relating to that subject matter, whether the measure be sound or unsound, must be voted through, and that those who oppose it are opposed to doing anything of a remedial nature. So a bill is brought in that is unsound, and it is forced on until finally the opposition yields.

This public buildings bill proposes to place the expenditure of \$165,000,000 in the hands of a few men who are not members of Congress. Speaking for myself, I will never give my

consent to that kind of a bill. I think it entirely unwise that we have since the war adopted the plan, in the matter of river and harbor improvements, of making a general appropriation and leaving the expenditures to the Chief of Engineers. Congress is by that process yielding to executive officers its right, its prerogative, its duty to determine the character and place of expenditure. This bill seems to be an exaggerated illustration of that rule.

If Chicago needs a new courthouse, that question ought to be passed on by Congress, and the amount to be paid out ought to be fixed by Congress. If New York needs a new public building, the same rule should obtain. That rule should never be varied from.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. REED of Missouri. I yield.

Mr. MAYFIELD. I would like to have the Senator state what, in his opinion, the clause of the Constitution means which says that "Congress shall have power * * * to establish post offices and post roads."

Mr. REED of Missouri. Of course, it means what it says; the language is very clear and plain. But I suppose that Congress has the constitutional right to name an agent and give him a discretionary power as to the particular place where he might locate a post office.

Mr. MAYFIELD. But this measure is an abdication of that power, is it not?

Mr. REED of Missouri. This measure is an abdication of the duty of Congress, in my opinion, for I think it is the duty of Congress, before any considerable sum of money is spent, to itself study the problem and to pass upon it, using its best judgment, instead of transferring the discretionary power to somebody entirely outside of Congress.

Mr. President, we have had enough experience in the last few months to learn something from that experience, if we are capable of learning. We have seen executive officers, without the slightest authority of law except that they have temporarily the control of the purse strings, agree with foreign countries to pay out to them millions of dollars, and when we come to ask those countries to repay—and I speak particularly of Greece—we are confronted with the fact that Greece says, "Your country agreed to loan us \$50,000,000, and she loaned us only \$15,000,000; hence we will not pay back the fifteen million," when the man who signed the agreement to turn over to Greece \$50,000,000 had no more right or authority to do it than any Member of the Senate, or than a justice of the peace at the cross-roads had that right.

We have the spectacle of a commission authorized to go out and settle the debts of foreign countries, and in the bill we passed giving that commission authority, we expressly limited its authority. The commission proceeded to bring us contracts in direct violation of the letter of the statute under which the commission was created, and its settlements have been ratified by the Senate.

Mr. SMOOT. Mr. President, the Senator means that the law provides that unless we get a certain rate and a certain settlement, then we must come to Congress for consent; and that is what the commission did. If we had settled within the limits of the act, of course, the commission had the power to make the settlement. If the rates were not those provided for, then, of course, the commission had to come to Congress to get the approval of the debt settlement; and there has been no settlement which has not been approved by Congress.

Mr. REED of Missouri. Exactly.

SETTLEMENT OF FRENCH INDEBTEDNESS

Mr. McKELLAR. Mr. President, if I may interrupt the Senator, I am not so sure that the Debt Commission had anything to do with it; or am I mistaken about that?

Mr. SMOOT. The Senator is mistaken about it.

Mr. McKELLAR. Newspaper men are wonderful agents for getting facts, and I happen to have in my hand—

Mr. SMOOT. When the facts coincide with what the Senator thinks.

Mr. McKELLAR. No; at all times. I have in my hand a photograph of the negotiators who agreed on the French terms, which appeared in the Washington Post this morning, and I can not find any of the members of the Debt Commission in that photograph except one.

Mr. SMOOT. Senator, that is only a photograph of the men who were there when the agreement was signed.

Mr. McKELLAR. That is the agreement.

Mr. SMOOT. It is the agreement; but the agreement had really been made and printed and given to the public before the photograph was taken.

Mr. McKELLAR. I think if I had been on the commission, I would not have wanted a composite picture. I see only one

member of the Debt Commission shown in this picture. I think I would have liked to be in the picture. I just extend my sympathy to the Senator from Utah, who was not even allowed to get in the picture.

Mr. SMOOT. The Senator from Utah could have been there, but the Senator from Utah does not care anything about having his picture in the paper.

Mr. McKELLAR. I know that. Apparently the Senator from Utah does not care anything about the settlement, because the settlement was made by one member of the commission, and he gives it out to the papers, of course, and the papers publish the fact. I am sure these newspapers have published the fact. I want to extend my very great sympathy to the Senator from Utah and to the other Republican members of the commission and to my Democratic friends on the commission. They were put on the commission; but you may look at the newspaper report of what occurred, and it does not say a word about either the Democratic or the Republican members of the commission. It refers only to the Secretary of the Treasury, Mr. Mellon, who represented the United States.

Mr. SMOOT. I want to say to the Senator that perhaps the settlement which Congress has approved would not have been effected had it not been for some members of the commission.

Mr. McKELLAR. I wish we had had more members of the commission. Perhaps it would have been a better settlement.

Mr. REED of Missouri. Mr. President, I do not think the complaint lies in the mouth of the Senator from Tennessee or within the purview of the American Senate. I think the complaint ought to be made from the other side of the ocean that the distinguished figure of the Senator from Utah did not adorn that picture and raise its general average.

Mr. McKELLAR. I think it would have raised the average. I am frank to say to my friend that I think it would have done so.

Mr. REED of Missouri. Even though the Senator from Utah was not in that picture, he has been given a very distinguished position in the picture the Senate has presented for the last two or three weeks, while the Senate has been canceling the debts of foreign countries to America, a position I am sorry to see him occupy.

Mr. President, the Senator has referred to the act creating the Debt Commission. Let me read it:

Be it enacted, etc., That a World War Foreign Debt Commission is hereby created, consisting of five members, one of whom shall be the Secretary of the Treasury—

It ought to have read "all of whom shall be the Secretary of the Treasury."

Mr. SMOOT. No; the Senator is wrong.

Mr. REED of Missouri. I continue reading:

who shall serve as chairman, and four of whom shall be appointed by the President, by and with the advice and consent of the Senate.

Notice this language:

SEC. 2. That, subject to the approval of the President, the commission created by section 1 is hereby authorized to refund or convert, and to extend the time of payment of the principal or the interest, or both, of any obligation of any foreign Government now held by the United States of America, or any obligation of any foreign Government hereafter received by the United States of America (including obligations held by the United States Grain Corporation, the War Department, the Navy Department, or the American Relief Administration), arising out of the World War, into bonds or other obligations of such foreign Governments in substitution for the bonds or other obligations of such Government now or hereafter held by the United States of America, in such form and of such terms, conditions, date or dates of maturity, and rate or rates of interest, and with such security, if any, as shall be deemed for the best interests of the United States of America: *Provided*, That nothing contained in this act shall be construed to authorize or empower the commission to extend the time of maturity of any such bonds or other obligations due the United States of America by any foreign Government beyond June 15, 1947, or to fix the rate of interest at less than 4¼ per cent per annum: *Provided further*, That when the bond or other obligation of any such Government has been refunded or converted as herein provided, the authority of the commission over such refunded or converted bond or other obligation shall cease.

SEC. 3. That this act shall not be construed to authorize the exchange of bonds or other obligations of any foreign Government for those of any other foreign Government, or cancellation of any part of such indebtedness except through payment thereof.

Mr. SMOOT. Mr. President, I think the Senator will agree that that is about what I stated, that the commission had power only to make settlements according to the law; and if there

were any better or different settlements than those provided by law, they had to come to Congress and have the approval of Congress.

Mr. REED of Missouri. They would have to have a new authority.

Mr. SMOOT. That is why we came here. If the debt had been settled according to the law, we would not have had to come here. We would have had to have the signature of the President then, and that is all.

Mr. REED of Missouri. I understand. Now let us look at this authority. Here was a commission created with a specific power to be exercised under specific limitations. What was its business and its only business? What was it called into existence to do? It was to go to these other countries and refund the debts, dollar for dollar, to take such security as it might be able to get, to fix a date of maturity not later than 1947, and to collect not less than 4¼ per cent interest. That is all the business it had. If it could not perform that business, it was not authorized to make some other contract or agree upon some other terms and then come back here and ask Congress to ratify those terms.

It was its business to go to the gentlemen representing the foreign countries and say, "Here is our commission of authority. We can only do this. We can extend the time of your payments; we can take security; but your obligations which you give us in lieu of those we now hold must be equal in amount with those which we are about to surrender. They must bear 4¼ per cent interest. This is the warrant of our authority. We were created for no other purpose. We have no other business. We were not created to negotiate anything but these limited matters of time of payment and security."

When they went outside of that authority they were mere interlopers; they were assuming a right to negotiate that never was given them; they were assuming in a sense to morally bind this country when they had not been authorized to do a single thing of that kind. There is no clause here—

Mr. SMOOT. There is no moral obligation, because every country understood, and the representatives of every country understood, that not only did Congress have to agree to the settlement, but their own country would have to agree to it before the contract could be executed. That has been the case in every settlement.

Mr. REED of Missouri. I understand all that. There is no clause in the act which said something like this: "*Provided further*, That if the commission can not settle upon the terms aforesaid, they shall then secure such proposition of settlement as they may be able to secure and report that settlement to Congress." The intent of Congress was to say to those foreign nations, "This is the mark Congress fixes. This commission has no business outside of the bounds and limits we have fixed. We send them to you to negotiate this kind of a settlement and they have no business to talk about any other kind of a settlement."

Mr. SMOOT. I am quite sure the Senator would never have supported a proviso of that kind.

Mr. REED of Missouri. No; I would not.

Mr. SMOOT. Nor would I. That would have been simply an invitation to all countries beforehand to understand that they need not settle upon the original terms, but that America expected them to get whatever terms they wanted.

Mr. REED of Missouri. The Senator fortifies my argument. Congress did not intend to give the commission any such authority. Congress not only would not write it in the bill, but by its exclusion from the bill Congress in effect said to the commission, "You have no right, sirs, to begin negotiating on any other basis than that. You are the agents and that is all, and Congress does not authorize you to make any other kind of a settlement. You are our agents to present our demands, and there your authority ceases."

Mr. SMOOT. Congress has had the right to say, "We will not agree to the settlement that was made."

Mr. REED of Missouri. What the commission did was to go outside of the authority that was granted to them, entirely outside of it. The Senator said to me a moment ago upon the floor of the Senate that he did not think Congress would put in the law a clause giving the commission the right to negotiate outside the terms of the bill.

Mr. SMOOT. That would have been simply notice to all foreign countries—not that it would have made any difference at all.

Mr. REED of Missouri. If Congress would not give the commission the right, why did the commission usurp the right?

Mr. SMOOT. We have not usurped any right at all.

Mr. REED of Missouri. Why did the commission presume to do it?

Mr. SMOOT. We made a settlement and we came to Congress and said, "Will you agree to this settlement?" All Congress has to do is to say "no," and that would end it.

Mr. REED of Missouri. The commission made a settlement. That is just what they did. They made a settlement. The Senator said that the Congress would not have written in the act the power or authority for the commission to make that settlement, but he went on and made the settlement in defiance of the will of Congress, and he made it as a settlement without any authority on earth. Having in that way involved our country, he comes back to the Senate and says, "We are your commission. You appointed us to do one thing. We have done an entirely different thing. Yet we are your commission to do that which you never authorized us as a commission to do." The Senator had no more right to make this agreement than I have the right to go out and make it. There was nothing written in the law authorizing him to make it, to talk about it, to negotiate it. He was appointed for a specific purpose, and when he went outside that purpose he went as denuded of authority and of right as any Member of the Senate, as any citizen of the United States.

Mr. SMOOT. That would be true if it were binding upon the United States or any foreign country, but it was not binding on Congress, nor was it binding on any foreign country until Congress and the similar authority in the foreign country had agreed to the proposition.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED of Missouri. I yield.

Mr. BORAH. If the Senator from Utah is correct in his construction of the statute, it is eminently unfair to proceed along the line of argument which we had when the Italian debt settlement was before the Senate, because the argument made was that our commission had made a settlement and that we could not afford to reject the judgment of our commission.

Mr. SMOOT. The Senator does not say that I made any such statement. I never made it, I did not believe it, and I do not believe it now. I am quite sure it is not possible.

Mr. BORAH. Then let us understand that when we are discussing the French settlement we will have no argument to the effect that we must not reject the proceedings of our commission. The fact is that they have acted wholly outside of the statute. That will be conceded. It will have no binding effect until the Congress acts upon it. If the Congress is to act upon it de novo, we ought not to be confronted with the argument that we are overturning an authorized commission.

Mr. SMOOT. If the French settlement or any other settlement had been made according to the terms of the act, the commission would not have had to come back to Congress for its approval. All that we would have required would have been an agreement upon the terms provided in the act and then the signature of the President. Congress would have had nothing whatever to do with it. The only reason why the commission came back to Congress was because under the act itself there was no authority to make other terms of settlement. That happened with Great Britain, the first one we settled with, and with every settlement made up to this time.

Mr. BORAH. I would suggest that it is true, as I understand, that the commission acted wholly outside of its authority under the statute. The only thing that we have before us now is a mere suggestion upon the part of the commission for our consideration. We are considering it aside from the prestige and binding effect of an authorized commission.

Mr. REED of Missouri. Mr. President, let us follow this line of thought a moment. I appoint an agent to go and buy a cow. I tell him how much he shall pay for the cow. The individual whom I appoint as an agent to buy a cow for me, and who is my agent for that purpose alone, goes out and agrees to buy a farm. Then he comes back to me and says, "As your agent I have agreed to buy this farm, and now you ought to take it." What would the Senator say about that sort of an agent?

But the case here is much stronger than that, and I do not propose to let anybody get away from the main fact if I can help it. Congress knew that there was an agitation in foreign countries to repudiate or cut down their indebtedness; that there was an agitation in foreign countries to cut down the interest upon their indebtedness. With that knowledge, Congress enacted a law. Congress wanted to put an end to any such contention on the part of any foreign nation and to serve notice upon all of them that if they settled their debts and obtained the benefit of the extension of time, they must give their obligations for the full amount they owed the United States with interest at $4\frac{1}{4}$ per cent. The debates of that time

will bear out the statement I have just made and will clearly show this to have been the expressed purpose of Congress.

Therefore we picked out five men. We said to them, "Here is the commission which is your warrant of authority; so long as you act in pursuance of the authority we have granted, you are a commission for that purpose, and that purpose only." When the commission went outside of that authority, it no longer was a commission; it no longer had any warrant of authority; it was the case of five individuals presuming on their own authority and in their own right to sit down and negotiate in the name of the United States a contract which the commission was never authorized even to talk about. It is a piece of superlative insolence. It is so devoid of all common decency that similar conduct would bring a blush of shame to the brazen cheek of a first-class orthodox devil. I am astounded to find men commissioned by the Congress of the United States to do a certain thing having the temerity to do an entirely different and wholly unauthorized act, and then seek to excuse it by saying, "Well, we brought back this thing we were not authorized to do at all, but which we agreed upon in so far as we could bind the United States, and now you must accept it, because we were your commissioners." They were our commissioners for one thing and they did another thing, and then and thereupon they ceased to be our commissioners.

There has never been a man authorized to represent the United States yet who has sat down and even talked these matters over, because the Senator from Utah and his associates on the commission were without authority. They had no more right, I repeat, to enter upon these negotiations than five Senators about me had the right to proceed with such negotiations. I have the right to go out unauthorized and negotiate; that is a simple right that I might assume; but I would bind nobody. The Debt Commission had exactly the same kind of right when they went outside the bounds and limits and measures that Congress had staked out to confine their authority. This is an old illustration of the fact that whenever you give authority of any kind to human beings you may count on those human beings usurping other authority and doing other acts. Yet Senators come in here and say—and it has been said not once but many times; it has been the spinal column of the argument produced in favor of these debt-settlement measures—that a duly authorized commission acting within the purview of its authority had sat down and made the best bargain it could make, and that representing this Government it had agreed to the settlements in so far as it was possible for a commission to agree; hence, having thus proceeded and bound our Government, it is the duty of Congress to ratify the agreements.

It is a monstrous proposition. I might as well go out tomorrow and promise somebody that the United States Senate will do a certain thing. As long as I sit in my seat and act within the limits the Constitution has fixed to my authority I have the right to bind by my vote, as far as my vote goes, the people of the United States, but when I go a hair's breadth beyond the bounds of my authority, I am a private citizen, and if I seek to bind my Government I am an usurper or an attempted usurper.

Mr. President, I did not intend to say a word about this matter to-day, but as I have read and reread this warrant of authority which we issued my indignation has been rising until I find it impossible to restrain speech.

Why did members of the commission not come back here and say, "These nations refuse these terms, and we, on the part of the United States, have rejected their propositions, because they do not come within the limits Congress fixed"; and then let Congress proceed to act upon the question as its wisdom might dictate? They did not do that. They said, "This rope is long enough so that we can wander at large; we will make a contract and bring it back and then let us see what Congress will do in refusing to ratify our act." Senators have stood here and argued day after day that the commission had acted. The commission did not act, for the commission was never created for the purpose of any such action. We have the instance of five gentlemen proceeding in their own right, and in no other right, and assuming to represent the United States in these negotiations, when they were utterly without authority to represent the United States in the way that they pretended to represent them.

Mr. FRAZIER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from North Dakota?

Mr. REED of Missouri. I do.

Mr. FRAZIER. I wish to ask the Senator if, according to press reports of this morning, the French debt settlement

has not already been signed and agreed to and that it is practically up to the Senate to adopt it?

Mr. REED of Missouri. So we are told; and I recall only two days ago, when the press stated that the French settlement had been agreed upon, my friend from Utah [Mr. Smoot] rose in his seat, and, as I remember, said there had been no agreement whatever.

Mr. SMOOT. And there had not been.

Mr. REED of Missouri. And we were led to believe there had not been any negotiations that had brought matters to a head, and yet in a moment, in the twinkling of an eye, after the ratification of the Belgian debt settlement, it appears that the entire proposition has been agreed upon.

Mr. SMOOT. There have been a good many meetings since then.

Mr. REED of Missouri. How many meetings could there have been in the last 24 hours?

Mr. SMOOT. It is not a question of 24 hours.

Mr. REED of Missouri. Does the Senator mean to tell us now that this question of the French debt settlement was an open question—

Mr. SMOOT. I certainly do.

Mr. REED of Missouri. And that within a few hours of time the Debt Commission suddenly agreed upon the settlement of a \$4,000,000,000 claim; that that all happened in a few moments; that it was not substantially agreed upon before?

Mr. SMOOT. No; it was not agreed upon before.

Mr. REED of Missouri. Was it not substantially agreed upon?

Mr. SMOOT. I think there is a great deal of difference between the French offer and what has now been agreed upon.

Mr. REED of Missouri. When did they change their offer to that which we now have—at what hour of the day and what day?

Mr. KING. Or what hour of the night?

Mr. REED of Missouri. Yes; or of the night?

Mr. SMOOT. I know as far back as Monday we held a meeting and there was no agreement reached at that meeting.

Mr. REED of Missouri. How near were you to a meeting of minds?

Mr. SMOOT. There was an insistence upon a security clause at the time and the payments were very much less than as provided for in the agreement subsequently reached.

Mr. REED of Missouri. Had not that all been talked over and had not the French substantially agreed that they were going to yield upon it?

Mr. SMOOT. No, Mr. President, they had not; and the French did not know what the outcome would be until—

Mr. REED of Missouri. Then what was the miraculous thing that changed their mind so quickly?

Mr. SMOOT. I wish to say, so far as I am concerned, that I would not agree to the proposition, and so stated at the meeting of the commission. The French ambassador could not consent to the agreement that has since been reached, but had to cable to his Government before ever he could agree to it. He came over here with a proposal which he said he was authorized to make, but it was quite a different proposal from the agreement which has been reached.

Mr. McKELLAR. When was the last meeting of the commission; yesterday?

Mr. SMOOT. We had a meeting yesterday, when the agreement was finally reached.

Mr. REED of Missouri. Where and how long did it take?

Mr. SMOOT. On yesterday the meeting did not occupy as long a time as the preceding meeting.

Mr. REED of Missouri. That does not help us any. How long did it take? We do not know how long the other meetings were.

Mr. SMOOT. Yesterday it did not take very long, because we had made a proposition to the French representative and told him exactly what we would do and what we would not do. That was cabled to the French Government, and the French Government yesterday cabled to the French ambassador here, so that all the ambassador had to do was to say that he was authorized to make the settlement.

Mr. REED of Missouri. Still I want to know how long this interesting meeting lasted when the Debt Commission settled an indebtedness of \$4,000,000,000?

Mr. SMOOT. We have had three or four meetings, I will say to the Senator.

Mr. REED of Missouri. I am asking about the last one. How long did the last one take?

Mr. SMOOT. I think we met at 9.30 o'clock in the morning at the last meeting and got out some time in the afternoon.

Mr. REED of Missouri. When was that meeting held?

Mr. SMOOT. The last meeting at which we made a proposition was on Monday, April 26.

Mr. REED of Missouri. I am asking about the last meeting which the commission held.

Mr. SMOOT. That was on yesterday.

Mr. REED of Missouri. How long did that meeting last?

Mr. SMOOT. Just long enough for the French ambassador to say that he accepted the proposition we made.

Mr. REED of Missouri. Where was that meeting held?

Mr. SMOOT. In the Treasury Department.

Mr. REED of Missouri. The Senator did not tell us when we were discussing this question the other day that the American commission had made a definite proposition.

Mr. SMOOT. We had not made it at that time.

Mr. REED of Missouri. When was the meeting at which the proposition was made?

Mr. SMOOT. It was on the 26th of April.

Mr. REED of Missouri. And we have been debating this question since the 26th of April.

Mr. SMOOT. The question of the French settlement arose here when we were discussing either the Italian or the Belgian debt settlement bill—for the moment I forget which—and that was before April 26.

Mr. REED of Missouri. The debate has been proceeding every day here. We have been debating this question every day.

Mr. SMOOT. The Senator can try to impeach my word here if he wishes—

Mr. REED of Missouri. I am not trying to impeach the Senator's word; I am merely trying to have the specific facts.

Mr. SMOOT. I have given the Senator the specific facts, and he is not satisfied.

Mr. REED of Missouri. No; the Senator has not been very specific.

Mr. SMOOT. Monday was April 26, was it not?

Mr. REED of Missouri. Yes.

Mr. SMOOT. Monday was the day the final offer was made by the American commission to the French ambassador.

Mr. REED of Missouri. But the Senator never told the Senate that when we were discussing the other debt settlement bills.

Mr. SMOOT. Because of the fact that the question has not come up since Monday. I did not know whether the French Government would accept it or not, and no one else knew; but yesterday the French ambassador received a cablegram, and we were called together yesterday afternoon.

Mr. REED of Missouri. Now, is not this a fair statement of the case—

Mr. SMOOT. It is not fair unless it is exactly in accord with the facts as they exist. I have told the Senator the facts.

Mr. REED of Missouri. Wait until I make my statement before the Senator repudiates it as unfair. Is not this a fair statement of the case: That two or three days ago a newspaper article was produced here saying that a settlement of the French debt had been agreed upon?

Mr. SMOOT. That was before the 26th of April.

Mr. REED of Missouri. Very well—and that that statement was repudiated by the Senator?

Mr. SMOOT. I ask the Senator to get the RECORD now and see whether the newspaper report as to the settlement of the French debt is the same as the settlement which has since been made. That newspaper report stated that the first yearly payment was \$25,000,000, while under the settlement it is \$30,000,000; that report said that the largest annual payment would be \$100,000,000, while the settlement provides that the largest payment shall be \$125,000,000; that newspaper report said that there was a security clause in the agreement, while in the settlement made there is no security clause whatever.

Mr. REED of Missouri. Yes; but the point is that when that article was read here it was denied that there was any settlement.

Mr. SMOOT. And there had been no settlement.

Mr. REED of Missouri. Very well. Now, how many times subsequently to that on the floor was the charge made that a settlement had been substantially agreed upon, and how often were we given to understand that the French debt was still a matter that had not been settled and that nobody knew how it would ultimately be settled?

Mr. SMOOT. Whenever I made the statement, Mr. President, it was absolutely true. The final proposition was made, as I say, on Monday, April 26, and I have a record of it here, and I can read it to the Senator if he desires. From that time until yesterday there was no word from France, and the ambassador had no authority to say that they would accept it until yesterday, and he gave notice yesterday.

Mr. REED of Missouri. But the ambassador and the American representatives of themselves had agreed upon a proposition, provided the ambassador could get authority from his country to accept it.

Mr. SMOOT. He could not agree. He said he would present that proposition to his government.

Mr. REED of Missouri. Exactly; but he could agree just as much as you could.

Mr. SMOOT. Certainly.

Mr. REED of Missouri. Each of the two sides had to go back to a primal authority, and you had agreed on your part that you would ratify a settlement of a certain character, and he had agreed on his part that he would ratify it, provided in each case you could get authority from your principals to make that kind of a settlement.

Mr. SMOOT. That is true.

Mr. REED of Missouri. Mr. President, no such statement as that has been made to the Senate before. We were all given to understand that this French debt settlement was up in the air.

Mr. SMOOT. It was.

Mr. REED of Missouri. We did not know whether we would ever get a settlement or not. There have been more secret negotiations going on in this matter than were condemned by Woodrow Wilson in all the denunciations that he ever made of all the secret treaties of all the ages that are past. We have had nothing but secret negotiations, and secrets have been kept even from this body.

Mr. President, I want to serye notice now that as far as I am concerned I expect the Finance Committee to examine every paper and every document and every bit of correspondence relating to the French debt, and the minutes, if there are minutes, of every meeting, and to report here, so that we may know what these negotiations have been, and that until that is done I think there will be some difficulty in ratifying this French debt settlement.

Mr. HARRISON. Mr. President, will the Senator from Missouri yield for a moment?

Mr. REED of Missouri. I yield.

Mr. HARRISON. Will the Senator from Utah give us assurance as the chairman of the Finance Committee, that he will cooperate with those Members who desire to make a thorough investigation into this problem in getting all the papers and all the facts and letting the matter stay in the committee until they do get the facts, and get such facts that the committee can compare the capacity of Italy to pay with that of France, so that we may know what reasons prompted a settlement on the basis of 26 cents on the dollar with Italy and on the basis of 50 cents on the dollar with France? Will the Senator allow us to investigate the settlement with Czechoslovakia and the conditions over there and her ability to pay, so that we can understand and get the reason why the commission permitted Italy to pay us only 26 cents on the dollar and Czechoslovakia 82 cents on the dollar?

Mr. SMOOT. That will be entirely in the hands of the committee, Mr. President.

Mr. HARRISON. What will be the chairman's position?

Mr. SMOOT. I have no objection whatever to asking the Secretary of the Treasury to furnish everything affecting the French debt settlement.

Mr. HARRISON. The Senator wants to ask the Secretary of the Treasury. It looks as though the Senator can not get anybody in his head except the Secretary of the Treasury. If, in order to get the facts, it is necessary to go beyond the Secretary of the Treasury, will not the Senator cooperate with us?

Mr. SMOOT. When we get into the committee the committee will decide that question.

Mr. HARRISON. But the Senator has not told me or the Senator from Missouri whether he will cooperate with us in the matter.

Mr. SMOOT. I do not know what the Senator means by "cooperate." I am not going to cooperate in any way to hold up this settlement until after the adjournment of Congress. I will say that.

Mr. HARRISON. I will say to the Senator that I do not think there will be any desire upon the part of anybody to hold the matter in the committee longer than is required to get the facts.

Mr. SMOOT. It is better for me to make no promises, Mr. President. When we get in the committee the committee can say what it wants to do.

Mr. HARRISON. The reason why I asked the Senator the question is this: Here is the debt settlement on the table. It has been referred to-day to the committee. We can ask for reconsideration of that action and ask that instructions be issued to the committee to follow out a certain line of investi-

gation. Of course, there is no need for that if the Senator will cooperate with us in trying to give us all the facts.

Mr. SMOOT. All I say is that I do not think there is any question but that the Treasury Department will furnish all the information they have regarding the matter, as well as the Commerce Department and the State Department.

Mr. SIMMONS. But, Mr. President, if the Senator will pardon me, the Senator from Utah does not mean that he would insist upon restricting the investigation to such information as we may get from the Secretary of the Treasury, does he? Here is a settlement involving \$2,000,000,000.

Mr. REED of Missouri. Four billions.

Mr. SIMMONS. The Government surrenders two billions, one-half of its debt. That settlement is reported to the Senate. It is referred to the Finance Committee for its consideration and investigation; and the Senator, as chairman of the committee, certainly would not insist here on the floor of the Senate upon restricting the investigation by the committee.

Mr. SMOOT. If the Senator wants anybody to come before the committee and give evidence, I do not think any member of the committee will object to it.

Mr. SIMMONS. It may be that the minority would be entirely satisfied with the testimony that might be obtained through the Treasury Department, and it may be that it would not be so satisfied; and an investigation of this sort, to advise the Senate with reference to a transaction of this amount, certainly ought not to be restricted in any way whatever. Of course, nobody would want to prolong the discussion unnecessarily. I think the Senator from Utah will agree that the minority Senators have not shown any such disposition as that; but there ought to be a thorough investigation of this matter.

Mr. SMOOT. The Senator knows that the chairman of the committee has in no way, shape, or form ever undertaken to restrict the hearings.

Mr. SIMMONS. I do not say that he has; but the Senator has given utterance to some views here that indicate that he is not willing that the committee should investigate, except to get information through the Treasury Department.

Mr. SMOOT. Oh, no!

Mr. SIMMONS. I think the Senator probably spoke rather hastily about that.

Mr. HARRISON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED of Missouri. I do.

Mr. HARRISON. I desire to ask the Senator from Utah, in speaking of that meeting this morning, whether all of the members of the American commission were present?

Mr. SMOOT. Does the Senator mean yesterday afternoon?

Mr. HARRISON. Yes; when the final touches were put upon the French debt settlement.

Mr. SMOOT. They were all present with the exception, I think, of Secretary Hoover.

Mr. HARRISON. Was Secretary Kellogg present?

Mr. SMOOT. Secretary Kellogg did not stop there. He had to leave.

Mr. HARRISON. He just passed by? It was a sort of flag station?

Mr. SMOOT. He had to leave; but I will say to the Senator that all the other members were there except Secretary Hoover.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED of Missouri. I do.

Mr. KING. I want to express my amazement at the suggestion made by the Senator from Mississippi that Secretary Mellon could not and would not furnish all the information desired upon all subjects relating to the Government. The Senator ought to know that in the primary election which is now being conducted in Pennsylvania the cry has been shifted which was the slogan in the last Republican campaign, "Stand by Coolidge!" And the cry now is, "Stand by Mellon!" Mellon seems to be the head and front of the administration, and the guide and director of the administration. He, without any authority or suggestion from Congress, prepared a bill to dispose of our debts to and from Germany, and he has directed these negotiations; and there can be a change of front overnight, and Mr. Mellon can agree upon the French debt or any other debt without consultation with the commission or with Congress. The Senator from Mississippi seems to have lost sight of the powerful figure which to-day is dominating the Republican Party.

Mr. REED of Missouri. Mr. President, I have in my hand the Washington Times of this afternoon, and my eye caught this article while this interesting discussion has been going on. I want to read it:

PARIS, April 30.—The French cabinet met to-day and definitely approved the debt settlement reached in Washington.

The cabinet studied the terms of the agreement which Ambassador Berenger signed, and though it is reported that there was some criticism of it, it was learned that the cabinet gave its approval to the accord.

Raoul Peret, French Minister of Finance, however, described the settlement report from Washington as "premature."

Peret indicated the possibility even yet of sending new instructions to Ambassador Berenger, who had acted for France in the debt negotiations with the United States.

It was reported in well-informed circles that Berenger exceeded his instructions.

"Such figures would certainly have been called astronomical by the Anglo-Saxon press if imposed upon vanquished Germany," the nationalist organ, *Gaulois*, said to-day. "No person of good sense on either side of the Atlantic can believe that such a Draconian agreement will be supported by six generations of Frenchmen."

In other words, they intend to repudiate it hereafter.

L'Action Francaise, the royalist newspaper, published the reports under a headline reading, "Agreement reached, and what an agreement!"

Mr. SMOOT. They are all opposed to it.

Mr. REED of Missouri. Mr. President, I started to talk about the public buildings bill, and the fact that it proposed to vest the authority not in Congress but in those outside of Congress to expend this large sum of money; and that led to a discussion of this question, as illustrative of the fact that gentlemen clothed with a little brief authority are quite willing to extend it in accordance with their own ambitions and wishes. The article I have just read throws some light upon the attitude of France. So far as I am concerned, and going back now to the public buildings bill, that bill might as well go back to a committee and have written into it the necessary clauses retaining for Congress the right to control the disposition of this money; otherwise, it is going to have a rather rocky road to travel.

Mr. BORAH. Mr. President, I am not going to detain the Senate more than a moment. I presume when this matter comes before the Committee on Finance the real problem will be to determine France's capacity to pay. I take it that this settlement was based upon that principle, the same as the Italian settlement and the other settlements we have disposed of. It seems to me, Mr. President, that we have confined our investigations to too narrow a sphere in determining this question of capacity to pay.

I ask the members of the committee to give some attention to an article which lately appeared in the *English Review*, written by the former Premier of France, M. Caillaux. In discussing France's present financial condition, and her ability or capacity to meet her debts, he has some suggestions to make which, it seems to me, are worthy of our consideration and investigation. This article appears in the *English Review* of February 26, and I quote a paragraph or two:

To understand how France has reached the delicate situation—I will not put it more strongly than that—in which she finds herself, one must bear in mind the defects of one of the greatest qualities of the Gallic race. The extraordinary ability of the Frenchman to save has been justly praised; but people have failed to notice that this very hunger for economy renders him who is affected by it so careful of his private interests that he is tempted to ignore the interests of the State.

The financial and economic history of France bears witness to the coexistence of an uninterrupted process of private saving with a tendency toward carelessness in the administration of the funds of the community.

The old monarchy of France was never able to free itself from its perennial financial embarrassments save by the abuse of the rights of its creditors.

The efforts of the statesmen of the Republic who favored a serious effort to amortize the debt met with stubborn opposition. It would be necessary, whispered the public, to increase taxation to the detriment of private incomes. What was the use of that? Let things continue as they were. The future would take care of itself. A counsel of weakness which, nevertheless, had the support of the public.

The French people, not having formed in peace time the habit of financial self-sacrifice, allowed themselves to be easily persuaded by the men at the head (who lacked the courage to tell them the brutal truth) that, to meet the cost of the war, it would be sufficient to borrow, that taxes would be increased, if it were necessary later on.

A vast indebtedness was thus piled up—the French debt grew from thirty milliards to five hundred and fifty milliards of francs—without its service being guaranteed by a corresponding increase of taxation.

Even then the situation would not have been so serious if, at the end of the war, the simple, but energetic decision necessary to the

situation had been taken. Unfortunately, the country was merely provided with a formula which it was pleased to use as "eye wash": "Germany will pay."

Why, then, submit to heavy taxation? Were not our enemies under the obligation to meet the expenses of the reconstruction of the liberated districts of France? Were they not obliged—thanks to the intervention of the British negotiators at the peace treaty—to assume the payment of pensions to the victims of the war? Thus were two categories of payments—and important categories—eliminated. One could afford to borrow to repair the ruins wrought by the cataclysm and to pay for the damage caused to the people and to their possessions. There was nothing inconvenient in that. Germany would repay. She was going to make over colossal sums. Mr. Lloyd-George like Mr. Klotz, Lord Cunliffe like M. Loucheur, had guaranteed it. The German payments, according to these gentlemen, would be so huge that there was no need to bother about expense. From beyond the Rhine showers of gold would fall over France.

This is the ex-Premier of France writing:

Thus, caught in a snare of childish optimism, the nation paid little or no attention to the growth of a public debt which doubled in the postwar period between 1919 to 1924. From one hundred and fifty milliards it went to three hundred milliards of francs.

What he says is that the present financial plight of France is due to the fact that never in her history, and particularly since the beginning of the war, or since the war, have they been willing to lay the taxes upon their people which they should have justly laid under all the circumstances. Then on page 168 he says:

First of all, there is the debt. It amounts to three hundred milliards of francs—a terrifying total. But it must not be forgotten that it is a question of paper francs. In gold francs it is only sixty milliards; that is to say, to only twice the pre-war debt.

State bankruptcy, you will say. An insidious bankruptcy, brought on by the establishment of a fictitious relationship between paper money and gold money. That may be so. One can not deny what is evident. On the other hand, it is useless to ignore the fact that when great tempests fall upon a people there must be victims. To save the nation, one must resign oneself to individual suffering, when a long series of mistakes have caused such suffering to be inevitable.

Then, Professor Sarolea, writing upon the same subject, says:

The causes of the collapse of the franc are not economic, and the collapse could easily have been avoided.

Indeed, if the problems of the franc had been mainly economic, it would have been solved long ago. For France is by no means ruined. So far from being ruined, the peasant class, who are still the majority of the French nation, are more prosperous than they ever were before the war. They have been able to buy up millions of acres. Hundreds of thousands of petty farmers have recently become peasant proprietors. Their standard of living has enormously improved. On any market day in any important agricultural town you may witness a strange spectacle, which before the war would have been undreamed of—the spectacle, namely, of scores of farmers coming to the market place in their motor cars.

In view of this abounding prosperity, why has it been impossible for the French Minister of Finance to extract from a thriving peasant class an amount of taxation sufficient to balance the national budget? The reasons are, each one of them, political and moral.

I do not read it all, but pass over some parts, because I trust those who are interested in the subject will have time to read it all.

1. In the first place, the whole fiscal policy of successive French Governments since the armistice has been deflected by the golden mirage, and has been dominated by the sinister delusion, of the German indemnity—a delusion which I may claim to have been the first European publicist to denounce six years ago in the columns of the "*Scotsman*." That delusion has been an insuperable obstacle to any sound financial policy. Why should the French Government have troubled to put order in their finances, when the Germans were going to pay the bill? The most extravagant expenditure, the most criminal speculations and speculations were met with the cynical reply: "C'est le boche qui paiera!"

2. In the second place, an agricultural community is temperamentally much more refractory to taxation than an industrial community. Such has been the case in Poland and in Germany, such was the case in Imperial Rome, when the whole burden of taxation fell on the "curiales," or middle class. Such was also the case under the old French monarchy. For the difficulties of the French tax gatherer are not of to-day. Even in the palmy days of the monarchy a despotic government found it so difficult to collect its taxes that it had to intrust the impossible task to a special class of money lenders.

The French peasant has indeed an infinite capacity of thrift. But he will not save in order to pay his taxes; he will only save in order to buy a cow or a piece of land.

4. In the fourth place no French Government is either strong enough or stable enough to enforce unpopular measures. French parties are too divided, and political majorities are too uncertain. Even if the majorities were large and if the Government were strong, such a strong Government would still have to depend on the votes of the peasants. Even then it could not afford to alienate its constituencies. No democratic government is prepared to commit political suicide.

We have required into the main causes of the collapse of the France and of the financial troubles of the French Government, and we have proved that those causes are obviously political and moral rather than economic.

Mr. President, I presume we are all agreed—at least it can be well established—that France at the present time is the most prosperous nation in Europe and has been enjoying that prosperity for the last three or four years. If we are in a position where we are unable to collect more than 50 cents on the dollar, it is due to the fact that the French citizen has refused to pay taxes in accordance with the obligations which rested upon him, in view of the condition, financial and economic, which confronted his country. The American taxpayer is to take care of the taxes which the French citizens refuse to pay. That is established from the lips and out of the mouth of the ex-Premier of France himself.

AFFAIRS ON THE MEXICAN BORDER

Mr. KING. Mr. President, a few weeks ago I offered a resolution which was referred to the Committee on Immigration, calling for an investigation of the conduct of immigration officials and agents along the Mexican border. The resolution particularly asked for an investigation in regard to the murder of General Torres and the connection of the immigration officials therewith. I denounced the death of Torres as a cowardly murder, and, in effect, that either the immigration officials in Washington or the immigration agents upon the Mexican border were in part responsible for his death.

Before briefly referring to the subject matter of the resolution, I desire to make an observation growing out of the criticisms appearing from time to time in various newspapers of the action of Congress in conducting investigations of executive departments and agencies and of various officials of the Government.

Undoubtedly there is not a little resentment upon the part of some executive officials and some executive agencies because Congress has had the courage, in the discharge of an imperative duty, to institute a number of investigations. In my opinion, Congress has been derelict in not instituting more investigations and in not more carefully scrutinizing the conduct of executive officials and instrumentalities. Bureaucracy in every country and in every age has tended toward maladministration, inefficiency, and oftentimes corruption. Executive and administrative bureaus, agencies, and officials have always been inclined—and it is human nature—to usurp authority and to arrogate to themselves a status of superiority and power, which is against the best interests of the people and constitutes an insidious but powerful attack upon the Government itself. And every student of our Government, particularly during the past 25 years, must reach the conclusion that the malady which has afflicted executive officials and agencies in the past, and in other Governments, affects to-day this Nation and the bureaus and officials of executive departments.

I only repeat when I say that it is the history of ages that executive departments become autocratic. They incline to absolutism and impinge upon the rights of individuals as well as upon the rights of local self-government. The attention of Congress and of the country is often challenged to the intolerant, autocratic, capricious, and oftentimes illegal course of bureaus and officials connected with the Government. The same is true in State governments and in municipalities. Municipal bodies, as well as State legislatures, are frequently called upon to make searching investigations in regard to the conduct of municipal and State organizations and administrative bodies. Even where executive officials are close to the people and their activities bring them into daily contact with the people, nevertheless there are many transgressions by them, and the people are often called upon to rebuke them for their oppressive and illegal conduct.

In business institutions, no matter how diligent those in charge may be and how perfect their administrative organizations may be, there are many injustices practiced by employees and irregularities and crimes by searching investigations are often brought to light. The executive department is not a water-tight compartment in the ship of state which may not be examined by the legislative branch of the Government. Congress taxes the people and makes appropriations to maintain the Government. It is the duty of Congress to see how the money is spent, whether the agencies which it sets up—execu-

tive and administrative—are efficient, competent, and honest, and to that end the responsibility rests upon Congress to frequently investigate all executive and administrative organizations in the Government.

It is believed by many that during the war the Department of Justice and the Department of Labor dealt harshly and sometimes illegally with aliens, and subjected them to treatment not warranted and not to be defended. Recently Congress investigated the Department of Justice, and the condition found therein by many patriotic people was regarded as unclean and rotten. The result of the investigation brought about the separation of the Attorney General, Mr. Daugherty, from his high position. There was an investigation which incidentally involved the Secretary of the Navy, and he departed from his high position. The investigation of the Secretary of the Navy and the oil reserves revealed conditions that were shocking to the American people and led to the prompt separation of the Secretary of the Navy from his important and exalted position.

An investigation was made of the Bureau of Internal Revenue, which revealed a situation calling for immediate reform. A searching investigation of the Veterans' Bureau was conducted by the Senator from Pennsylvania [Mr. REED] and former Senator Walsh, of Massachusetts. They exposed evils, transgressions, and wrongs and abuses in that bureau which shocked the people and brought about some needed reforms. The Shipping Board has been investigated from time to time, and the unsatisfactory condition of that organization, together with its waste, extravagance, and incompetency, has aroused the American people to demand a radical change in the administration of that agency of the Government.

I could enumerate many investigations conducted by committees of Congress, both special committees and standing committees, which have proved of incalculable benefit to the country.

Senators know that most of the important bills introduced require investigation before suitable measures can be prepared. Before the Committees on Immigration of the House and Senate could frame the existing immigration law, protracted hearings were imperatively required. Hearings are now being conducted which show a situation in the Virgin Islands demanding relief. An investigation of the American occupancy of Haiti was conducted a few years ago which revealed that the United States, without justification, had taken possession of the government of a friendly nation, and military forces of the United States, even at the time of the investigation, were in absolute control of the government, and were subjecting the people to a rigid and oppressive military rule. And I might add in parenthesis that the condition, with some modifications, exists to this very hour.

Mr. President, there should be a searching investigation made of the Immigration Service. It has many hundreds of agents and employees scattered throughout the country, many of whom are efficient and honorable, but some of whom are tyrannous, bureaucratic, incompetent, and utterly unworthy of the positions which they occupy.

Many persons who are here lawfully, or who have wittingly or unwittingly infringed some unimportant regulation or rule of the Immigration Bureau, are being pursued and watched, and oftentimes arrested and subjected to an offensive and oppressive treatment. And I might add that in many cases I believe their arrests have been illegal and their attempted deportation wholly without justification.

But I return to the matter to which I referred in the opening sentence of my remarks. The resolution which I offered is pending before the Immigration Committee. Hearings were had upon two different occasions but not concluded. The evidence thus far adduced in my opinion conclusively proves that Mr. William Hanson, the immigration agent, committed a great wrong and that the immigration officials in Washington acted arbitrarily and unjustly, if not illegally, in dealing with the case of General Torres, and that their course resulted in the surrender of General Torres to Mexican military authorities, who promptly executed him.

The evidence showed that General Torres was a political refugee, that his arrest was not warranted, and that his deportation was in contravention of every rule of humanity, if not a violation of law. Mr. Hanson, the immigration agent in charge, acted in a devious, illegal, and cowardly manner, and upon his head must lay heavily the death of General Torres. He knew that General Torres had been promised 60 days by the department within which he might arrange to depart from the United States. He knew from the information in his possession, and the officials in Washington knew, from the statements made to them by a reputable attorney who represented General Torres, that if he were deported he would be promptly

executed without trial by the military authorities of the Mexican Government.

Captain Hanson testified before the committee, and his own words, in my opinion, convict him of oppressive and illegal acts and ought to have brought about his immediate dishonorable discharge from the service. I note by yesterday's paper that he has resigned, doubtless because of this investigation and because he knew that if a full investigation were made his conduct in other respects would call for admonition.

Mr. President, information has been brought to my attention which shows that the conditions along the border from the Pacific coast to the Gulf of Mexico demands investigation. Some of the agents and representatives of the Department of Justice, according to the information which I have received, have abused their trust and have played into the hands of the Mexican Government. And some of the immigration officials have apparently been more concerned in aiding the Mexican Government than they have been in properly protecting the rights of aliens who were in the United States.

Mr. President, I call attention to the case of Alberlardo Henojosa, which I think I referred to at the time I offered the resolution now before the committee. He was illegally taken from the United States and promptly executed by the military authorities of Mexico. I have a letter from Capt. Frank Hammer, of Texas, head of the Texas Rangers, and a man of ability and integrity, in which he refers to this case. He states that—

this man was a political refugee from Mexico and was arrested at Rio Grande City, Tex., some time after the middle of July, 1925, by Lucio Guerra, deputy sheriff of Starr County, Tex., at the request of Captain Hanson. A few days later General Garcia, military commander of the district of Nuevo Laredo, Mexico, asked for permission to come to the American side of the river for the purpose of going to Brownsville, there to cross back into Mexico and inspect the military posts between Matamoras and Nuevo Laredo on the Mexican side.

The VICE PRESIDENT. The hour of 3 o'clock having arrived, the Senate will consider the motion of the Senator from Nebraska [Mr. NORRIS] to refer to the Committee on Agriculture and Forestry the so-called Muscle Shoals bill, House bill 4106.

Mr. KING. Mr. President, I shall conclude in a few minutes, and hope the Senator from Nebraska will pardon me.

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Utah for that purpose?

Mr. NORRIS. I yield.

Mr. KING. The letter continues:

General Garcia stated that the reason why he wanted to travel on the American side was that the roads in Mexico were bad. Permission was granted him by the collector of the customs, Mr. Roy Campbell. Upon reaching the town of Romo General Garcia was met by Immigration Inspectors Jesse Perez and B. C. Durham, who had in custody Henojosa. Henojosa was turned over to General Garcia and six Mexican soldiers who accompanied him on the trip, and who were armed, and was taken across the river at this point. At the time Henojosa was surrendered to General Garcia and his men, which occurred on American soil, Henojosa got down on his knees and begged to be shot rather than to be taken across the river and be shot, which request was denied him.

This affair shows that there was a conspiracy previously entered into between Captain Hanson—

Who was the head of the American immigration service upon the border—

and General Garcia, all of which was denied in Washington by Hanson. The two immigration inspectors mentioned were working under Hanson's orders, and will so testify. Other witnesses in the case are the American consul, Walsh, Roy Campbell, collector of customs at Laredo, and Mr. Kahn, deputy collector of customs.

This deportation occurred at Romo, Tex., 14 miles west of Rio Grande City, on the 25th day of July, 1925, at 5 p. m. Mexicans and Americans alike are very indignant and are hoping that a thorough investigation will be had.

There are other statements in this letter which I shall not read, but will hand the letter to the chairman of the Committee on Immigration and ask that it be considered in connection with the investigation not yet concluded.

Mr. President, I protest against this cowardly, inhuman, and illegal conduct upon the part of officials of our Government. No department of the Government has attempted to defend the officials of the Immigration Service who surrendered General Torres illegally and in violation of a written promise to men who were eagerly waiting to take his life. I protest against the course of the officials who conspired with General Garcia, the head of the military district of Nuevo Laredo,

Mexico, and who permitted him with his armed soldiers to come into the United States and take an unoffending political refugee from American soil back into Mexico for execution and without trial.

Inspectors Jesse Perez and B. C. Durham should be immediately removed. Indeed, I am not sure that they ought not to be prosecuted. They knew, or must have known, that when they delivered Alberlardo Henojosa to General Garcia and his armed band who had entered the United States for the purpose of going to Brownsville and back into Mexico to inspect military forts that this unfortunate man would be killed.

They knew it to a certainty when Henojosa begged that he be shot upon American soil rather than be dragged back to Mexico, there to be foully murdered. And yet these American officials connived at the deceptive and cowardly course of Mexican military officials. Can it be said that they did not connive at the death of this man?

Mr. President, this matter is of more importance than some think. I promise the Senate that it will not end until justice has been done and all the facts have been revealed. I am unwilling that the United States should rest under the imputation of having violated the law of nations as well as the laws of humanity, as the facts in the cases to which I have referred indicate was done. Our Government should promptly punish all parties who were connected in any manner with the murder of Torres and Henojosa and show by its course its abhorrence and detestation of their acts and conduct.

I protest against the conduct of these agents and officials in seizing political refugees who sought an asylum upon American soil and delivered them into the hands of military forces of a foreign country who were thirsting for their blood and who immediately after receiving them shot them down like dogs.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Nebraska permit me to make a brief reply to the Senator from Utah?

Mr. NORRIS. I yield to the Senator from Pennsylvania for that purpose.

Mr. REED of Pennsylvania. Mr. President, I agree fully with the Senator from Utah in his denunciation of the slaughter of this Mexican as a wicked murder, but I think that it ought to be said in defense of our own Department of State and Department of Labor that very definite instructions have been issued to all of our immigration officials on the Mexican border that no political refugee, however illegal may be his entry, is to be deported to Mexico if he claims asylum here. He can only be deported to some other country than Mexico. The departments have definite orders out that such refugees shall not be sent back to be murdered in Mexico.

In this particular case—

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. REED of Pennsylvania. Certainly.

Mr. KING. Does the Senator refer to the Torres case or the Henojosa case?

Mr. REED of Pennsylvania. I am referring to the Torres case, which is the only one with which I am familiar. In the Torres case I do not pretend to say whether Captain Hanson had any private arrangements with Mexicans or not, because I do not know about it. In fairness to him I must say that it did not seem to me to be proved at the hearings.

Mr. KING. Mr. President, will the Senator permit me to interrupt him again?

Mr. REED of Pennsylvania. I yield.

Mr. KING. The letters which I have, and witnesses are named who will testify to it, show that compensation was paid Mr. Hanson and that the statement was published in a newspaper that his land in a certain province has been returned to him.

Mr. REED of Pennsylvania. We had a newspaper clipping showing that it had been and we had him saying it had not been, and I did not feel that I could vote to convict him on that showing. But there is this fact that ought to be borne in mind. There was given to the American immigration authorities a copy of a telegram purporting to be signed by the President of Mexico himself, asserting that this man was not a political refugee, but was a murderer and a bandit. There was evidence, I do not know whether worthy or not, but evidence furnished the American authorities, that the man had been guilty of no less than two train wrecks, in which Americans as well as Mexicans were killed. The assurance given by the American officials that this man would not be regarded as a political offender was false from all that we can learn. He was not given a fair trial. He was given a drumhead court-martial at best and he was shot down wantonly, without any opportunity to present his side of the case.

For what the Mexicans did I have not a word of defense, but I do want it to appear in the Record that both our State Department and our Labor Department have tried to avoid such incidents and have sent very definite orders against the deportation to Mexico of political offenders.

Mr. KING. Mr. President, I acquit the State Department of any complicity in the outrages mentioned. Secretary Kellogg, as soon as his attention had been called by Ambassador Sheffield to the murder of Torres, addressed a letter to the Immigration Service, which, as I construe it, was a rebuke, or at least was an admonition against a repetition of such conduct.

The information which I have reveals that General Torres was a farmer that, during the military operations in Mexico when Obregon was seeking power, was an officer in Obregon's military forces. After Obregon was elected President, he resigned from the army and returned to private life. Later, when there was civil war, he joined the forces of de la Huerta and held a high military position. He had many soldiers under his command, and, of course, was operating under a superior military commander.

Torres with a portion of his forces was ordered to intercept trains which were conveying munitions of war, principally rifles, cartridges, and pistols. With the trains there were also troops. He carried out his orders, and captured the trains and the munitions which were being transported. Undoubtedly some of the soldiers accompanying the train were killed. Calles, of course, can not forgive Torres. My recollection is that Calles barely escaped from the forces commanded by Torres, and the trains which were captured were carrying munitions to supply the military forces supporting Calles.

Unfortunately, in Mexico the rules of civilized warfare are not always observed. Often the defeated forces are regarded as bandits and the victorious forces too often seek vengeance upon the officers who fall into their hands, who led the vanquished armies. Of course, we can not defend these practices. If Calles had been defeated and fled to the United States, I would have been as earnest in defending him as a political refugee as I would be in defending any of the followers of de la Huerta. My position is that our Government can not tolerate the actions of its agents and officials who seize persons who come to our shores, whether they come legally or illegally, for the purpose of surrendering them to foreign governments, when it is known they would be promptly executed.

MUSCLE SHOALS

The VICE PRESIDENT. The question is on the motion of the Senator from Nebraska [Mr. NORRIS] to refer to the Committee on Agriculture and Forestry the so-called Muscle Shoals bill, Senate bill 4106.

Mr. NORRIS. Mr. President, in order that we may understand fully the parliamentary situation let me state briefly that the motion which I have made to refer to the Committee on Agriculture and Forestry the bill reported by the Senator from Illinois [Mr. DENEEN] comes about as a result of the passage of what was known as House Concurrent Resolution No. 4 several weeks ago by virtue of which a special committee was appointed to receive bids for Muscle Shoals. In accordance with that resolution the committee received bids and had some hearings, and, as authorized and directed, made a report to the Senate, or at least a part of the report was made. I understand the minority part of the report was never presented by the committee and has never been printed.

The chairman of that joint committee, the Senator from Illinois [Mr. DENEEN], reported a bill which in effect leases Muscle Shoals and the property owned by the Government in that vicinity to a corporation or to two corporations named in the bill. My motion is to refer the bill to the Committee on Agriculture and Forestry.

The bill itself to which this motion applies, in referring to the method of its introduction, reads as follows:

April 19 (calendar day, April 26), 1926—Mr. DENEEN, from the Joint Committee on Muscle Shoals, reported the following bill; which was read the first time.

April 19 (calendar day, April 28), 1926—Ordered to be printed.

The only effect of the pending motion, should it be agreed to, would be to refer that bill to the Committee on Agriculture and Forestry. The bill has not been reported by any committee of the Senate; it has not been referred to a committee; and there has been no opportunity for general hearings which usually take place when bills of this importance are before the various committees for consideration.

I myself was very much surprised that anyone should for a moment contend that the bill should not be referred to a committee; and I was surprised recently to learn of the change of

attitude of a number of Senators, who explained to me their position at the time the original concurrent resolution was pending for the appointment of this committee, who now feel that the bill ought not to be referred to a committee, although at that time they expressed themselves very freely that under the rules and precedents of the Senate whatever bill should be introduced, if there were one, would, of course, be referred to the committee.

I think there is no contention but that the proper committee to which this bill should be referred is the Committee on Agriculture and Forestry, for that committee has handled all of the bills and resolutions pertaining to the Muscle Shoals question. So I am not going to discuss the question as to whether the Committee on Agriculture and Forestry would be the proper committee to which the bill should be referred, unless some Senator shall raise the question, but I do not believe that the question will be raised.

Mr. President, I know of no instance where such a course as is now proposed has been taken. To be fair, I wish at the beginning to read the original concurrent resolution as it was adopted, or that part of it which has a bearing, if any part has a bearing, on the question. House Concurrent Resolution No. 4, which authorized the appointment of this committee, contains the following language:

The committee is authorized and directed to conduct negotiations for a lease or leases (but no lease or leases shall be recommended which do not guarantee and safeguard the production of nitrates and other fertilizer ingredients mixed or unmixed primarily as hereinafter provided) of the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala., for the production of nitrates primarily and incidentally for power purposes, such power to be equitably distributed between the communities and States to which it may be properly transported, in order to serve national defense, agriculture, and industrial purposes, and upon terms which so far as possible shall provide benefits to the Government and to agriculture equal to or greater than those set forth in H. R. 518, Sixty-eighth Congress, first session, except that the lease or leases shall be for a period not to exceed 50 years.

Said committee shall have leave to report its findings and recommendations, together with a bill or joint resolution for the purpose of carrying them into effect—

Now, note this: It was sought by those who framed the original resolution—and it was framed in the House of Representatives and not in the Senate—to give any bill that might be presented a special privilege when it came into the House. They recognized the fact that they had so to provide in the resolution as originally framed or that the bill would not possess that privilege; so the original resolution provided—

which bill or joint resolution shall, in the House, have the status that is provided for measures enumerated in clause 56 of Rule XI: *Provided*, That the committee shall report to Congress not later than April 26, 1926: *And provided further*, That the committee in making its report shall file for the information of the Senate and House of Representatives a true copy of all proposals submitted to it in the conduct of such negotiations.

Under that authority the joint committee submits its report to the Senate and to the House. The resolution provides what shall be done with the report and the bill in the House. It gives them a parliamentary standing under a rule—and I once before read the rule to the Senate—which in effect provides that when the measure gets into the House the bill shall go to the Committee of the Whole House.

No such attempt was made to control the reference of the bill in the Senate. It comes here under the general rule of the Senate. I believe, as I think 99 per cent of the membership thought, that, without any question, when the bill was introduced it would automatically be referred to the Committee on Agriculture and Forestry, but I am not trying now to take any advantage of a technicality. The Chair thought otherwise; the Vice President ruled that under the rules of the Senate the bill went to the calendar; that this bill, coming from the joint committee, would not follow the ordinary course and go to the committee, but would go directly to the calendar. An appeal might have been taken from that ruling, but it seemed to me that it could be reached perhaps better by making a motion to refer the bill to the committee, which motion would be in order, regardless of the rule of the Senate. Any bill, I take it, is always subject to the action of the Senate on a motion to refer it to a committee to which the mover of the motion may desire to have it referred.

That is the condition we are in at the present time. We have this bill, which so far as anything on its face is concerned is practically the same as any other bill introduced by any Member of this body. Its caption reads:

Mr. DENEEN, from the Joint Committee on Muscle Shoals, reported the following bill, which was read the first time.

And so forth.

Mr. President, this very day we have had a similar thing occur in the Senate. A report on the French debt settlement, which was negotiated pursuant to a law passed by Congress providing for a commission to settle it, was sent here and was referred to the Committee on Finance, and properly so. Bills providing for the Italian debt settlement, the English debt settlement, and for seven or eight other debt settlements with foreign governments, were all referred in the same way to a standing committee of the Senate with this exception.

The bills which have been passed in reference to foreign debt settlements were all House bills; but in some cases a similar and identical Senate bill had been introduced, referred to the Committee on Finance, reported from that committee, and placed on the calendar, and when the House bill came over here we considered the House bill, under that parliamentary situation, without having it referred to the committee, because a similar measure had been acted upon by a committee of the Senate. So, for practical purposes, it can be said that in every one of these instances, which are practically similar to the case in hand, although the debt commission law did not say anything about reporting a bill but did provide for a report—and this bill is only a part of the report—in every instance we have taken a course just the contrary to the course that it is now proposed to take as to this particular measure.

Two or three years ago when the agricultural situation began to be acute, it will be remembered there was a concurrent or, perhaps, a joint resolution, at least, however, a concurrent resolution introduced in the House and the Senate authorizing the appointment of a joint committee to make an investigation as to the condition of agriculture and report back to the Senate and to the House recommendations for the relief of the agricultural situation. When that bill came in here it was regularly referred to the Committee on Agriculture and Forestry, and it was reported back from that committee. I have a memorandum of the different steps which were taken in connection with that bill here on my desk and can give the dates, if necessary, when the different steps were taken. It passed the House; it passed the Senate, and, in accordance with its terms, a joint committee was appointed, five from the Senate and five from the House. They held extended hearings, went into the agricultural situation in considerable detail, and submitted a report. A member of that joint committee—I think it was the Senator from Wisconsin [Mr. LENROOT]—introduced a bill when the report came back here for the purpose of carrying out the recommendations of the joint committee. No one questioned what should be done with that bill. When it was introduced it was regularly referred to the proper standing committee of the Senate.

It will be remembered that during a Congress which sat several years ago a joint committee on reforestation was appointed. I am not sure whether it was a joint committee or whether it was merely a Senate committee; but, at any rate, the Senator from Oregon [Mr. McNARY], who will take this up more in detail, was chairman of the committee. They went over the country and made quite extensive investigations in various localities, and they reported a bill. They had the bill referred to that joint committee. It came up in the Senate, and it is interesting—and I think the Senator from Oregon will read some of the discussion that took place—to note that unanimously it was agreed that the proper thing to do with that bill was to refer it to the Committee on Agriculture and Forestry, which had jurisdiction of the subject; and it was so done by unanimous agreement when the question came before the Senate.

Now it is proposed to take a different course; now it is proposed that in this particular instance the bill introduced by this joint committee or its chairman shall not be referred to the committee. Incidentally, not all the committee joined in reporting the bill. It is an impossibility for a Member of the House to introduce a bill in the Senate, although certain Members of the House are members of the joint committee, just as is the Senator from Illinois. The Senator from Illinois, although given the honor of being elected chairman of the joint committee, has no more authority, no more power on the joint committee than has any Member of the House who is also a member of the joint committee. A Member of the House on that joint committee could not introduce a bill here. Suppose the members of the joint committee did not agree and some of them wanted a different bill, as is the fact in this case. A Member of the House, who is also a member of the joint committee, is opposed to the report and opposed to this bill. He can not introduce his bill here; he is not a Member of this body. That will have to be done by somebody else.

He could come before a standing committee, as is often done; he could come before the Agricultural Committee, if this bill were referred to that committee, and say, "I have a different bill; I want to present it to this committee as a substitute." He is denied that right. He ought to have the same privilege as has the Senator from Illinois, who happens to be a Member of this body instead of the other one. This privilege is denied him; he is denied any hearing.

Mr. President, this bill proposes—and it seems to me to be an outrageous proposition—to lease for 50 years the property of the Government on which the taxpayers' money to the extent of \$150,000,000, in round numbers, has been expended, without ever having a single opportunity for anybody to come before a committee of this body and protest.

Nowhere has any citizen of the country or any official of the Government been given any opportunity to appear and protest against this proposed legislation or to ask for any modification. I do not believe that ever before in the history of our Government has such a course been pursued.

It is said that there have been hearings. I understand that there have been; but, Mr. President, they have been held in secret, behind closed doors. I am not speaking of this in complaint. I am not finding fault with the joint committee for acting in this way. I am simply stating the facts. They were negotiating. They were trying to get bids. They were trying to get the best bids they could. I do not want anybody to get the idea that I am now offering any criticism of anything they have done. I am assuming that they did the best they could; and they could negotiate better in secret, perhaps. At least, that is the way they thought; that is the way they did. They carried on these negotiations earnestly and zealously and ably for several days behind closed doors. They come out now and say: "Here is a bill," and they introduce it, and the Senate has said, through the ruling of its Vice President, "This bill goes to the calendar, and it will be taken up to-morrow and passed," without a hearing ever being granted to anybody.

I am not now offering any criticism of the bill. It may be found to be a good bill, holy and righteous, without a flaw; but we are legislating now, if we take this course, without reference to a standing committee of one of the most important matters that have come before Congress in many and many a day.

Not only that, Mr. President, but even what hearings took place behind closed doors are still secret. Not a syllable has been published; not a word has been given to the public; not a sentence has been disclosed outside of the secret chambers of the committee room. I know that some Senators say: "We have had this subject up many times; we are getting tired of it," and there is a lot in that. I know that we have had it up many times. We have been up and down for two or three years on the question, and especially the committee that has had it in charge, and has viewed it from all angles; but here comes a new one. Here comes one that has never seen the light of day, and you are going to say: "We will brush aside every consideration that has ever been given to this subject by the Committee on Agriculture and Forestry in all its hearings," which have been public, and, I think everybody will concede, fair. No man has been denied, no corporation has been denied, no partnership has been denied the right to be heard, and heard without limitation, before the committee.

Scientific men have discussed the question of fertilizer through many, many pages of those hearings. Much information has been given to the public, and particularly to the members of the committee and Members of the Senate who have studied the hearings; and yet, when you had all that before you, you appointed another committee to make some further investigation. That shows that you wanted light. That shows that you were not satisfied. That shows that there was something else about it that you wanted to know about; and I am not complaining of it. It was an educational proposition. That has been done—done in secret—and now you propose to take the result of secret deliberations, in the face of all the contrary action that we have been taking in the past, and put this bill on its passage without any Senator having a right to look into those hearings to see what is the reason for this provision or that provision; and Senators are denied so far even the right to see or have printed the minority views.

I was told by the member of that committee who presented the minority views that he wanted them printed with the majority report; that they were in the hands of a member of the joint committee on the very day the majority report was made, although they did not get to the Senate until after the report had actually been made, a few minutes or an hour or such a matter afterward, and they were never presented to the Senate for printing. They could have been presented that day and printed in accordance with the usual custom where there are minority views—printed together—or the time could

have been extended, as we ordinarily extend it for some one to present his views. But the man who had the minority views was a Member of the House, denied the right to stand up here and ask for permission to have his views printed, and yet he was a member of the joint committee, clothed with the same authority and the same responsibility as the Senate members of the joint committee.

Mr. SMITH. Mr. President, may I ask the Senator why the minority report was not printed by some action of the Senate, in view of the fact that this was a joint committee, the result of whose work was alike pertinent both to the Senate and to the House?

Mr. NORRIS. I am going to see if I can not get it printed myself.

Mr. HEFLIN. Mr. President, will the Senator yield to me?

Mr. NORRIS. Yes; I yield to the Senator.

Mr. HEFLIN. I was a member of the joint committee and I reserved the right to file a minority report or to offer the bid that I supported as a substitute. I chose to offer it as a substitute, and it has been printed, and is now in the Senate for that purpose. Mr. JAMES, a Congressman from Michigan, a Member of the House, filed a minority report. He did not support either one of the bids at the final meeting of the committee, although he had been favorable to the one that I supported up to that time. He filed his minority report in the House. If I had filed my report it would have been printed with the majority report. That is the way the committee felt about it. This report which has been filed can be obtained, and every Senator can have a copy of the report as Mr. JAMES filed it and as it has been printed in the House. There is no question about that.

Read the majority report and read the minority report and the hearings that we took. A stenographic report of the hearings is here, and if anyone wants to have them printed they can be printed, and every Senator can read them; but so far as sending this bill back to the Committee on Agriculture and Forestry is concerned, the Senate ought not to do it. There is not anything in any of these reports requiring any such thing. The only things involved are the 50-year lease, the making of fertilizer in time of peace and nitrates in time of war, the amount of money to be paid per horsepower, the building of Dam No. 3 and Cove Creek Dam in the bid I supported, and the leaving out of these dams in the other bid.

What is there complicated about that that requires hearings in the Committee on Agriculture and Forestry over which the Senator from Nebraska presides and over which he delights to sit when he has hearings on Muscle Shoals especially? I want the Senate, for the sake of the Senator from Nebraska himself, to deliver him and deliver us from him with Muscle Shoals.

Mr. NORRIS. Mr. President, the Senator, himself a member of that committee, can be delivered at any time. He does not need to stay there. He does not need to listen. He is so well posted on all this stuff that he has heard in secret, that has been denied to everybody else, that he does not need to attend the Agricultural Committee.

Mr. HEFLIN. I have to be there to watch the Senator. [Laughter.]

Mr. NORRIS. If I had nobody else to watch me except the Senator from Alabama, I want to tell you that I could commit all kinds of depredations and never get caught. [Laughter.]

Mr. HEFLIN. I confess that the Senator is better trained in that than I am. [Laughter.]

Mr. NORRIS. Mr. President, no one has ever complained, as far as I know, in connection with this Muscle Shoals matter, about any mistreatment in the Committee on Agriculture and Forestry. If there is anyone who thinks he has been mistreated or knows of anyone who thinks he has been mistreated, if it is known by any Senator, I should like to have him get up right now and interrupt me and tell me who it was and when it was and all about it.

I believe that the Committee on Agriculture and Forestry patiently for several years off and on at different times have listened with deep interest to all the questions involved in Muscle Shoals; and they are not simple. The question as to what shall be done with this power is an interesting and a fundamental question. After all, Mr. President, it reaches into every home and every fireside of the South. It comes into the home life of every kitchen in Alabama and the adjoining States. It has an effect upon every manufacturing establishment of that vicinity, and, in so far as it is a precedent, of the entire country, and even of the world. I believe that the possibilities of the Tennessee River in the development of cheap electricity, if properly handled, are surpassed nowhere else on earth. There is for the people in that vicinity, in that country all through the South, an opportunity, through the use

of this great development that the taxpayers of the country have paid for, to give an exhibition of comfort and happiness in the home that has never before been presented to the American people.

This is not a little, idle thing, as the Senator from Alabama has just said, in which nothing is involved except making fertilizer and power. There is very much involved in both of those propositions; and the question of fertilizer is a scientific one, one about which nearly all the great chemists of the United States have testified before the Agricultural Committee, one on which I presume somebody has testified in the secret hearings of this joint committee; but they have brought out a fertilizer proposition that the member of the committee making a minority report says is a fake. We may all agree, when we go into it, that it is a good thing; but the place to go into it is to let men who are qualified to testify on the chemical properties involved in the fertilizer proposition testify in the open, before the world, before a committee of the Senate, and have the testimony printed and laid upon the desks of Senators.

That has not been done. It is not proposed to do it. Personally, I do not believe—and I draw my conclusions from the testimony of experts—that it is a physical possibility under the present knowledge with regard to fertilizer to take the great power of Muscle Shoals and economically convert it into fertilizer—not at a price that will even compete with the present price of fertilizer. This joint committee, however, would have us believe otherwise. Perhaps within these few days they have discovered something new. If they have, let us see it in the light of day. If they have, let us let the sunlight of publicity fall upon it. Take it before the committee. In all the trials and tribulations that the Agricultural Committee have had they have never yet closed the doors when they were taking testimony. They have never yet asked the Senate to pass upon their recommendations based upon testimony taken in secret. They have said: "Here is the testimony. We have preserved it. We have printed it. Look at it and draw your own conclusions, as we had to do." That is what I ask now and nothing else.

An intimation was made by the Senator from Alabama that because I happened to be the chairman of the Committee on Agriculture at present I wanted to sit and hear these things. I want to say to Senators that nothing induces me to make this motion except an honest belief that it is my official duty to make it.

I have listened for months to testimony, some of it unimportant, some of it irrelevant, but volumes of it of deep interest. I went into the question without a preconceived idea as to what should be done with Muscle Shoals. I went into the question without knowing what it cost to make fertilizer. I went into the question without knowing what I believe I have learned, that as the production of fertilizer has advanced and becomes better understood, cheapened by new invention, the tendency has been for years to use less and less power in getting together the ingredients necessary to make fertilizer, particularly in the extraction of nitrogen from the atmosphere, until now, although I am not an expert, yet I have no hesitation in saying that the evidence demonstrates that as we improve and cheapen the method of making fertilizer we are eliminating the consideration of the power question.

I have always criticized the attempt to utilize the power down there as unnecessary. It ought to be used for turning the countless wheels of industry; it ought to be used to act as a servant in the house and help the housewives of the country instead of being useless and not bringing any comfort or happiness to human beings.

I realize that great miracles sometimes happen. May be one has happened, and this joint committee may have discovered a new scientific method, something entirely new, and they may have it covered in this bill. I hope they have. I want to say that there is no man on earth who would be more delighted than I to see the production of fertilizer cheapened, because I realize its importance, its growing importance. That is one of the things I learned in the discussion before the Committee on Agriculture. But let that be true or not, why should not this bill go to a committee the same as other bills, so that we could have a hearing? We should have certain parts of this bill analyzed by experts in the open. All kinds of charges have come to me as to what happened behind those closed doors, which I shall not try to repeat. I think many of them, perhaps all of them, were exaggerated. You never can do a thing in secret and not have exaggerated reports going out, the committee not agreeing when they get through, and one member of the committee saying that, as far as fertilizer is concerned, the bill is a fake—and he is an honored Member of the House; he is not a new Member in the Muscle Shoals proposition. He

was considering Muscle Shoals before some of the Senate Members on the joint committee were even Members of Congress.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. McKELLAR. I want to call the Senator's attention to section 5 of the proposed power company bill on this very subject. It is short and reads as follows:

The fertilizer company will offer for sale the fertilizer so produced to farmers, cooperative purchasing organizations of farmers, or associations of farmers, and to others. The fertilizer company agrees that it will manufacture and sell fertilizer at cost plus 8 per cent profit; cost to include all costs entering into the operation and maintenance of the leased premises and fertilizer plants, the manufacture, storage, sale, and distribution of fertilizer and including power at cost to the power company, 6 per cent on capital invested by the fertilizer company, less depreciation, and 7½ per cent depreciation annually on the plants erected by the fertilizer company. Cost will be ascertained annually by competent auditors and selling prices approved for the following year based on the cost of the previous year.

The question I desire to ask the Senator is this: From his study of the cost of producing synthetic nitrogen, as it is covered by this bill, can it be done in competition with the Chilean nitrate organization, when we include this 21½ per cent in the cost price?

Mr. NORRIS. Of course, it is only an opinion I express, but I have no hesitancy in saying that it can not be done. I may be wrong. During the few months I have been studying this some man may have discovered something new and can do it. I will hail him with joy if he has. I am only giving my opinion from several years' study of the question.

I had not intended, I do not intend, to discuss this bill in any detail now.

Mr. HEFLIN. Mr. President, before the Senator goes from that—

Mr. NORRIS. I yield.

Mr. HEFLIN. I understood the Senator to declare himself at the outset in favor of a synthetic process and to state that it was much cheaper than the other, which it is; and that very little power would be required to make fertilizer by that process. If the synthetic process is cheaper than the cyanamid process, as some claim it is, does not the Senator think that the fertilizer thus produced would be cheaper?

Mr. NORRIS. Mr. President, I have a hope in human progress. I have a belief that we are going to cheapen the production of fertilizer. I think that day is coming. The most promising field is through the synthetic process. It is not through the cyanamid process, the one we have in nitrate plant No. 2.

That is out of date now. But we have not reached that time yet. The manufacturer of fertilizer has been cheapened within the last few years. It has gone down somewhat since we have been investigating Muscle Shoals. But it has not reached the point to which it must go so that it will be cheaper than it is now in the market. I think that time is coming. Maybe the wish is father of the thought.

I did not expect to discuss the production of fertilizer to-day, but there are very few people, in my judgment, in our country, particularly in my section of the country—and I come from a section of the country that does not use much fertilizer—who realize the value of it, who realize that the world itself is confronted with a very important proposition in the manufacture of fertilizer. We must have more fertilizer, and to get more fertilizer we must have cheaper fertilizer. My way of getting at increased production would be to have experimentation. We can not expect private individuals to experiment in order to cheapen the production, so much as we expect the Government to enter that field. It is, in my opinion, a very proper governmental activity, and in the bill I introduced and tried to have passed, I provided for the widest experimentation in the fertilizer field down at Muscle Shoals that has ever been undertaken in the civilized world.

I would spend Government money on it. I am willing to take money out of the Treasury to pay for such experimentation. We have some of the best men in the world engaged in that work. A man now working for the Government at a modest salary is referred to by all the scientific men, the chemists, practically of the world, for some of the inventions he has made that have cheapened the production of fertilizer. I have gone through their laboratories, where there were dozens of expert chemists working, making various kinds of experiments. They do not know that they will succeed. They may lose the money they put into it.

If we are to be honest about it, let us face the situation as it is. But it is worthy of investigation. That is a proper way

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to spend the people's money in an effort to see if we can not improve and cheapen fertilizer. Something may happen not now known to us and to the scientific world that may bring it about in another way, but as far as the scientific men can see to-day, what we have to do is to experiment, and continue to experiment, until we are able to cheapen it. We know, for instance, that nitrogen is all around and about us in abundance, and the soil beneath our feet is suffering for it. The thing to do is to take it from one place and put it in the soil, where the roots of the plants can get the benefit of it.

Mr. President, the Committee on Agriculture has not promised any revolution. We do not promise anything except that we will try to do the best we can. We do not promise that we can cut the price of fertilizer in two, as has been so often asserted in favor of bids in the past, always, I think, without foundation. But if we want to reach the right conclusion, let us go about it in a way that will give some promise of bringing results.

I do not want to give away this vast and valuable property of our Government to somebody to make a lot of nitrates, when the cost of making them would be so high they could not be used after they were made. There are men who want to keep this power out of use, who would be glad to use it to operate plant No. 2, which will produce 40,000 tons of nitrogen a year. It would take most of the water power there to do that. But what would be done with the nitrogen produced there? It would cost so much it could not be used for fertilizer. It could never be done, except in time of war, when we needed explosives, when the cost was a secondary consideration.

We might just as well tell the farmers to begin with that there is nothing in it for them; that it will not cheapen fertilizer. I take it the Senate does not want to subsidize anybody. You could say, "We will give you this water power. Take it for nothing, but make as much fertilizer as you can and sell it below the present cost," and they could do it. They would lose on fertilizer, but make it up on water power. That could be done. But does anybody want to legislate in that way? If we are going to subsidize the production of fertilizer, we must do it on a gigantic scale, and subsidize it so that all the farmers of the country will be able to get the benefit of it. It would take a thousand Muscle Shoals to do that. So I take it that Senators do not want to subsidize anybody. There are those who would be glad to do it, and it would have this effect, that it would keep the water power out of use and enable existing power companies to keep the control that they already have.

I would like to dissociate a consideration of the merits of this proposition from the simple fact that under our practice and under a fair method of reaching good legislation this bill ought to be referred to a committee. If there is any Member of the Senate who thinks it ought to go to some other committee than the Committee on Agriculture, I will not offer any objection. I did not when the discussion started. I knew it would be an awful task. I feared it was going to be a thankless one, and I knew I did not know very much about it, except that I knew it was gigantic in proportions. I said on the floor of the Senate that I was perfectly willing that it should go to some other committee. I suggested that the original bill be sent to the Committee on Military Affairs, to which committee it has been sent in the House. I am willing that it should go to that committee now. I am not looking for a job. I have more than I can tend to now, and so has the committee. If this bill goes to the committee we will have to lay aside some other things that we ought to do.

We are very crowded with work, it is true. But for heaven's sake, Senators, in an important matter like this, after we have gone this far, after we have given the time and attention we have, let us not give it away now on a report that is made in secret and without any evidence, without any opportunity for anybody to be heard. It seems to me it would bring on to us a scandal in the years to come. It would be said, "You gave away this valuable property on a secret report, on secret evidence, on hearings held behind closed doors. You never permitted a citizen of the United States to come before a regular committee to protest." Let us see if anybody did protest before the committee. I am going to read a copy of a letter directed to the joint committee by several representatives of farm organizations:

APRIL 24, 1926.

Senator CHAS. S. DENEEEN,

Chairman Joint Committee on Muscle Shoals,

Washington, D. C.:

It is with genuine regret that we confess our inability to contribute to your committee a worth while opinion or comment with reference

to the pending bids for Muscle Shoals—and this because gentlemen who we were advised represent the leading bidders have refused to impart to us any information whatsoever, while even the Department of Agriculture had impressed upon us that such facts as it possesses are inviolate. And while as ordinary farmers we may not have the capacity to understand the why's and wherefore's of all this mystery and secrecy, we are nevertheless duly awed by its existence.

We realized in the beginning that any investigation that we might make at this late day would, of necessity, be most imperfect—and yet we had hoped that, without disclosing the intimate details, the various bidders would be willing to discuss their proposals with us in such general terms as would enable us to at least form a surface opinion of some value. In these premises we respectfully submit to your commission the following observations:

First. That the maintenance and rehabilitation of soil fertility is a matter of the most profound concern to the future of American agriculture.

Second. That Muscle Shoals was built for the express purpose of supplying of ammunition in time of war and cheap fertilizer for the farmers of the United States in time of peace.

Third. We submit that Congress should guard with extreme care the disposition of this, one of the greatest natural resources still in its possession.

Our inability to obtain even the slightest information concerning this great project has only sharpened our interest in it, and we will therefore no doubt address a general comment concerning it to Congress when the report of your honorable committee has been made public.

Respectfully submitted.

WILLIAM HIRTH,
Chairman Corn Belt Committee.
C. O. MOSER,
General Manager American Cotton Growers' Association.
W. H. SETTLE,
President Indiana Farm Bureau.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. HEFLIN. These gentlemen were all invited to appear and did appear before the committee. Those who desired to do so testified. The other representatives of farm bureaus and organizations stated that they had received copies of the bids from the power companies, from all the companies who made bids, and these gentlemen could have obtained the bids just as the others did if they had desired them. We had no request from them on the subject, I believe, until the last day that we were in session, when we were considering the two bids which we had determined were the best in the lot.

Mr. NORRIS. If representatives of the farm organizations appeared, it will, of course, show in the hearings, none of which have been printed, all of which are secret now. As to whether these gentlemen have taken the proper course or not I leave with the Senate. I do not know. I am reading what they said. I am reading the communication they sent to the committee. I am not saying that the committee did wrong in the matter. I do not know. None of us know. At least the opportunity ought to be given to men like this to be heard at length and to consider in detail every proposition, and the place to hear them is before the standing committee of the Senate where the bill ought to be referred.

Mr. President, since the Senator from Oregon [Mr. McNARY] has entered the Chamber, I will say I have referred to action taken in a committee of which the Senator was chairman. I had not given any of the details, but have stated to the Senate that I thought the Senator from Oregon would give them when he came into the Chamber.

Mr. HEFLIN. Mr. President, this matter has been discussed so much that I am not going to take time to go into it in detail. It has been before the Congress for about 10 years. Hearings before the Committee on Agriculture and Forestry, running into the thousands of pages, are there available to any Senator who wants to peruse the volumes.

The Senator from Nebraska [Mr. NORRIS] has just returned from a trip to Muscle Shoals in my State. He has been visiting down there in the garden spot of the world. He had a most delightful time down there. While he was there he outlined his plans as to the things he proposed to do when he returned to Washington. I have on my desk a local newspaper in which they give some statements from the Senator. One was that when he returned to Washington the first fight he would make would be to have the bid, whatever it was, referred to the Committee on Agriculture and Forestry, and, if he failed in that, he had been gathering up data sufficient to enable him to filibuster for about three weeks and that he would undertake to prevent action at this session of Congress.

Mr. NORRIS. Mr. President, let me interrupt the Senator. Will he yield?

Mr. HEFLIN. I yield.

Mr. NORRIS. Does the Senator state to the Senate that I said that as a matter of fact?

Mr. HEFLIN. I did not say the Senator said it.

Mr. NORRIS. I want to be sure whether the Senator said that I made that statement. I have no objection to his repeating anything that comes from somebody else, but if he is going to make the statement that I said something I want to know whether he is saying that I said it.

Mr. HEFLIN. I did not hear the Senator say it. If I had heard it, I certainly would say so.

Mr. NORRIS. Yes; of course the Senator would, and if I had said it then I would say it now, too.

Mr. HEFLIN. I will just read it for the edification—

Mr. NORRIS. What is the Senator reading?

Mr. HEFLIN. I am reading from the Florence Times-News.

Mr. NORRIS. And the Senator is going to say, is he, that whatever that article says is what I said, and that I did say it? I want to say to the Senator that any statement that I said if I failed to get this bill referred to the committee I would filibuster and prevent action is absolutely without any foundation whatever. With that statement, he can read anything he pleases.

Mr. HEFLIN. I am glad to hear the Senator say that, but the statement was so in keeping with the Senator's conduct on all occasions heretofore that it impressed me that it was the truth.

Mr. NORRIS. I deny that also. I do not know whether the simple statement of the Senator from Alabama ought to bring a denial, but in this case I will make one.

Mr. HEFLIN. The statement of the Senator from Alabama is the truth regarding the things that he talks about here, and in particular when he speaks of the Senator from Nebraska, and it does not make very much difference what he says. The Senator from Nebraska wants this bill referred to the Committee on Agriculture and Forestry. I think his purpose in it is to kill it and to prevent action at this session of Congress. The Senator is at liberty to pursue the course he sees fit to pursue, but he must not impugn the motives of other Senators and Members of the House because they do not agree with him. The dilly-dallying tactics the Senator has indulged in have favored the power companies from the outset. There are more ways to serve the Power Trust than by standing up and openly championing their cause. It can be done by indirection. It can be done by various movements, parliamentary and otherwise. The result of the action of the Senator from Nebraska has been exactly what the Power Trust want. They have not wanted action in the Senate and in the House upon this bill, and the action of the Senator from Nebraska has resulted in no action being taken. That is exactly what they wanted. The Senator is here now at his same old tricks, pleading to have the measure committed to his committee on Agriculture and Forestry, where it can be entombed and never see the light of day in this session of Congress. I do not think a majority of the Senators will consider for a moment the matter of being led into the trap of the innocent-appearing Senator from Nebraska.

Mr. NORRIS. Mr. President—

Mr. HEFLIN. I yield to the Senator from Nebraska.

Mr. NORRIS. The proposition now before the Senate in regard to the bill is to give Muscle Shoals to the power company. If I have been so wicked in trying to give it to the power company, here is my opportunity to give it to them by just joining with the Senator from Alabama, and they would have it.

Mr. HEFLIN. All right, let us see about that. Let us analyze that proposition for a moment. The Alabama Power Co. in my State have this property leased now, and they are not paying very much for it. It would be to their interest to have no action, because the bid, which I do not now support, which is reported by the majority, which requires more pay at their hands, and they would naturally rather have, as anybody would, the situation that now exists than to have one that would be created under the new bid. If the Senator can succeed in preventing action at this session, they will continue in control for eight months for a pittance, whereas if either one of the bids reported shall be adopted, they will have more to pay and there will be fertilizer arrangements tied in the transaction. That is the difference in the situation.

Mr. NORRIS. As I understand the Senator, then, the Alabama Power Co. is anxious to have the bid rejected.

Mr. HEFLIN. No; I do not think so.

Mr. NORRIS. From what the Senator said it would be to their interest to have it rejected.

Mr. HEFLIN. I said that they would, naturally, rather have it not acted on at this session of Congress, as the matter now stands, because if the majority report is adopted then 13 southern companies tied together will have the property and not one. If I were the one who had it and could hold it for eight months more by paying no more than is now being received by the Government, I would not object to having it remain in my individual hands for eight months more. With the Senator from Nebraska pursuing this course, he is playing right into the hands of those who have it now. If this bill, reported by a majority of the committee, can be amended, and it can be, and, supported, it may be, by a large majority of the Senate, a strong fertilizer provision can be inserted in it, and if Dam No. 3 can be provided for, and power distributed at a reasonable rate to the consumer, I would under those conditions support it. Then, if we could all get behind it and make the bid what we want it to be we can dispose of Muscle Shoals, as the President wants done and as Congress wants done and as everybody in the country wants done, except the distinguished and able Senator from Nebraska. God only knows what he would do if he did not have Muscle Shoals to hug to his bosom. [Laughter.]

Mr. McKELLAR. Mr. President, will the Senator from Alabama yield to me?

Mr. HEFLIN. I yield to the Senator.

Mr. McKELLAR. The Senator from Alabama says that everybody is in favor of it except the Senator from Nebraska. He may be correct about that; but I saw an item in a Tennessee newspaper a day or two ago to the effect that the mayors and the aldermen of the cities of Tusculuma, Sheffield, and Florence had wired protests to the Senator from Alabama and his colleague [Mr. UNDERWOOD] against turning this project over to the power companies. Was that correct or not?

Mr. HEFLIN. Some of those gentlemen did that in the outset, but other gentlemen there who are against the bid as it now stands, say that if the amendment which I have on my desk regarding the production of fertilizer and another relative to Dam No. 3 can be put into this measure they would like for me and my colleague to support it.

Mr. NORRIS. Mr. President—

Mr. HEFLIN. That dam is down near the State of the Senator from Tennessee, and Dam No. 3 means much to the navigation of the Tennessee River.

Mr. McKELLAR. But it is not in this bill.

Mr. HEFLIN. And some of the companies in the Senator's State are included in the Southern Power Co.'s bid, which I did not support, but I have no prejudice against any of them. If that bid can be made the best bid—and some Senators here who have read it tell me that they think it is the best bid that has ever been offered; that it is much better than the Ford bid—so I repeat that if we can make it what we want it by amending it, I am going to support it.

Mr. NORRIS. Mr. President, I want to ask the Senator a question about amending it.

Mr. HEFLIN. Yes.

Mr. NORRIS. I think the question involves a practical proposition. The bill, as I understand, accepts a bid. Now, if we can amend the bill it will have to be with the consent of the other party, will it not?

Mr. HEFLIN. Certainly.

Mr. NORRIS. So that if there shall be any amendment added to the bill we will have to have the assurance that it will be agreeable to the persons who submitted the bid. We will have to have an understanding of that kind, or we ought to have at least, before we act on any amendment?

Mr. HEFLIN. I said when the concurrent resolution was in this body for consideration that if amendments were offered the bidder could be consulted, and if he consented to them the bill could be amended after it came back here. That is the opinion of all of those with whom I have talked. I myself have no doubt about it. There is no use on earth of sending the bill to the Committee on Agriculture and Forestry. The Senator from Nebraska is becoming so generous now that he is willing, if Senators do not think the bill should go to the Committee on Agriculture and Forestry, to send it to any old committee, whether such committee has any jurisdiction over it or not or whether it will consider it or not. He is in favor of anything to get the bill out of the Senate Chamber.

However, the high-sounding phrases which the Senator is quoted as having uttered down at Muscle Shoals about what he was going to do are very amusing, Mr. President. I have a letter from a distinguished gentleman down there. He is mayor of one of the towns of which the Senator from Tennessee

[Mr. McKELLAR] spoke. He tells about some of the conversations that our good friend from Nebraska had when he was visiting Muscle Shoals, riding around with the officials of the Alabama Power Co., basking in the sunshine of their splendid hospitality [laughter], his face wreathed in smiles of calm magnificence, perfectly satisfied and content, riding over the boulevards and out on the splendid highways, having a good time. He hurried back here, getting here the very night we made our report, armed and equipped for battle. He is ready to proceed. The newspaper to which I have referred said the Senator from Nebraska was going to make the motion to refer the bill to the committee of which he was chairman. Well, he has done it. That much of the newspaper report is true. Then, the newspaper stated that the Senator from Nebraska was going to filibuster against the measure. The Senator said that was not true. Now we shall see when we get the measure up for actual consideration whether or not that is true. The Senator from Nebraska may think now that that is not true; he may think now that he will not filibuster; but I know how he loves the name of Muscle Shoals; I know how fascinated and charmed he is by the very suggestion of Muscle Shoals; I know how reluctant he is to give it up; and, Mr. President, when the opportunity comes to him finally to make one more speech and to plead that the bill shall go to his committee, I do not think he will be able to resist the temptation.

Mr. NORRIS. Mr. President, will the Senator from Alabama yield there?

Mr. HEFLIN. Yes, sir.

Mr. NORRIS. The question which the Senator is discussing is not whether or not I am going to filibuster, but whether I said to the people of Alabama that I was going to filibuster. I hope the Senator from Alabama will give me credit for having sufficient intelligence that even if I were thoroughly permeated with the idea of filibustering I would not go down and tell about it in advance. What I said was that I never told anybody that I was going to filibuster. The fact that I later on may filibuster, let us say, is not proof that I said in advance that I was going to do it. That is the only point I am making.

Mr. HEFLIN. I knew the Senator from Nebraska was going to back off from that.

Mr. NORRIS. No; I am not backing off from it. I may commence to filibuster to-morrow; I do not know.

Mr. HEFLIN. As soon as I mention Muscle Shoals, the Senator from Nebraska rises to interrupt, and says that he might commence to filibuster to-morrow, that he loves Muscle Shoals, and hates to see it go. He does, too, Mr. President; he has shed copious tears over this subject, enough tears to form a river deep enough and broad enough to wet the wheels of every power company in the Nation.

I have here a letter which I received from a distinguished citizen down there regarding the visit of the Senator from Nebraska. The writer says—and I hope the Senator from Nebraska did not say this—

I am informed that he said that he knew that President Coolidge had sent for Ford and that while Ford was a guest at the White House had promised to give him Muscle Shoals if he would not become a candidate for President.

"Lord God of hosts, be with us yet." [Laughter.]

Oh, what a difference just a few drinks make—not drinks [laughter]; what I mean is what a difference a little distance makes! [Laughter.]

'Tis distance lends enchantment to the view.

I am talking now about the Senator's interview. President Coolidge trafficking on Muscle Shoals with Henry Ford and promising to give him Muscle Shoals to keep him from running for President! Is not that interesting? The writer of the letter quotes the Senator as talking along that line. I wonder if he did.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. HEFLIN. Yes.

Mr. WHEELER. The Senator does not believe, does he, that the Senator from Nebraska made any such statement as that?

Mr. HEFLIN. I am sorry the Senator from Montana feels called on to try to make a denial for the Senator from Nebraska when that Senator is sitting right in front of me and is amply able to make his own denial; and, with all due deference to my good friend, I think he is able to do it as well or better than the Senator from Montana can do it for him.

Mr. WHEELER. There is no doubt about that; but I am just asking the Senator, who made the statement as if he believed it—

Mr. HEFLIN. No; I am not expressing any belief.

Mr. WHEELER. I am asking the Senator if he believes it?

Mr. HEFLIN. I am not expressing beliefs; I am reading from a letter, and the Senator from Nebraska is sitting in the Chamber. He knows whether he said it or not. It seems to me that I have heard something like that before somewhere around here. The Senator from Nebraska knows whether he said it or not.

Now, Mr. President, let me give the history of this legislation in a nutshell. The House passed the Ford bill years ago; it died in the Senate. The Underwood bill passed, went to conference, and the conference report was never acted on. The President appointed a commission to go down and see if it could dispose of Muscle Shoals, and that commission failed. He then asked Congress to raise a commission of its own, three Members from each branch of Congress, and for them to go out and advertise and solicit bids and negotiate if they could. For six weeks we sat, morning, afternoon, and night. We wired and wrote to everybody that we thought would be interested. We sent them copies of the resolution, copies of the Ford bill. Gentlemen came down and submitted their bids. We went over them and had taken down the statements which we thought should be taken down. They have been typewritten. They can be printed; nobody objects to that; I have not the slightest objection to it. The bids are here; they are stated in plain English. The report explains them, and Senators are competent to know what the provisions of the bill are when they are read from the Clerk's desk and discussed in this body without ever taking up the time to refer it back to the Committee on Agriculture for hearings.

Why should we have any further hearing? The main questions involved are a 50-year lease, the matter of making nitrates for the Government in time of war—and both bids provide for that—and making fertilizer in time of peace, and both bids provide for that. The bid that I favor proposes to make 20,000 tons of fixed nitrogen and 40,000 tons, provided the Government will build Dam No. 3 and Cove Creek Dam and let them amortize it and pay for it as Ford agreed to pay for Dam No. 3. In that event they will make 40,000 tons. Then the southern companies came in, amended their bid, and agreed to make 40,000 tons outright, without reference to Dam No. 3 or Cove Creek Dam. That is the situation. They agreed to pay \$20 a horsepower. All that is set out in the report. I have given Senators, in substance, what is in these bids. What is there complicated about that that would require the bill to be sent to a committee?

Senators, I wish to say this before I close: We are reaching the end of the session of Congress; the President wants this question disposed of; we would all like to dispose of it. God knows I would like to be done with it. However much it may pain the Senator from Nebraska to give up the pleasure of hearing the charming name of Muscle Shoals, I want to see it taken out of his presence; it will be good for him. He has worried over it a great deal; I think he is worried about us, too. At times I think he has had the hallucination that if anything should happen to him the country would go to the bow wows; he hardly knows what would happen if he should chance to pass out. Muscle Shoals! The newspapers down there reported that the Senator said, "I will try to have the bill referred to my committee; and if I fail, I will indulge in filibustering tactics." The Senator says he did not make either one of those statements, but he has already moved to refer the bill to his committee, and it remains to be seen whether he will filibuster or not.

There are others of us who have studied this question. The project is located in my State; I am on the committee; I do not want the bill referred back to the Committee on Agriculture. There is no valid reason for sending it there. I think I know what would happen if it should go there. I think the Senator would begin to call in people to be heard, and when we asked to close the hearing and hurry the bill back to the Senate he would say, "We ought not to stop the hearing so long as anybody wants to be heard." I know the Senator; I served with him in the House of Representatives; I have served with him here; and I have been on the committee with him. He is a very valuable legislator in many respects, but when it comes to Muscle Shoals he is as blind as a bat. [Laughter.]

If I can I want to take this thing away from him. It will be good for his health. I want to see him smile again as he used to, before he felt that on his back was the burden of the world. [Laughter.] I want to see him smile and step lightly around here, and I am going to do this for his good. I do not want to see him assume the attitude of a man who was in the asylum when a number of ladies and gentlemen went there to visit the place and said, "We would like to go through the institution." A gentleman, with long hair and a rather distinguished look, who was standing there, said, "I will be delighted to show you around." So he took them through the institution, and as they

were proceeding they saw a man at a window standing in a rather dramatic pose, as if he were about to speak to some one outside, and they asked "Who is that?" He replied, "He is a nut who came in here on account of some invention that he was trying to put over; he slipped a cog on that subject." They went on and found another man sitting at a table writing as fast as he could, with his pen flying across the pages, and they asked, "Who is he?" Their escort replied, "He thinks he is Lord Byron; he is working on Childe Harold's Pilgrimage." They went on further, and they saw another man standing up with one hand in the breast of his Prince Albert, gesticulating with the other and working his lips as he looked about, and they asked, "Who is he?" Their escort replied, "He thinks he is Daniel Webster making a speech in the Senate." They went along a little farther and they saw a man dictating to two or three imaginary stenographers, and they said, "Pray, tell us who this man is?" and their escort said, "He is the craziest one of 'em all. He thinks he is Caesar, but he is not; I myself am Caesar." [Laughter.]

Mr. President, there is other legislation pending here which ought to be considered, and I do not want to delay the Senate in its consideration of other measures. This matter ought to be disposed of this afternoon, and I move to lay upon the table the motion of the Senator from Nebraska.

Mr. NORRIS. On that I ask for the yeas and nays.

Mr. McKELLAR. I suggest the absence of a quorum.

Mr. McNARY. Mr. President—

Mr. McKELLAR. I suggested the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McMaster	Shortridge
Bingham	Frazier	McNary	Simmons
Blease	Gillett	Mayfield	Smith
Borah	Goff	Means	Smoot
Bratton	Gooding	Metcalf	Stanfield
Broussard	Hale	Norbeck	Steck
Bruce	Harrell	Norris	Stephens
Cameron	Harrison	Nye	Swanson
Couzens	Heflin	Oddie	Trammell
Cummins	Howell	Overman	Tyson
Curtis	Jones, N. Mex.	Phipps	Underwood
Dale	Jones, Wash.	Pine	Walsh
Deneen	Kendrick	Ransdell	Warren
Dill	Keyes	Reed, Pa.	Watson
Edge	King	Robinson, Ark.	Weller
Ernst	La Follette	Sackett	Wheeler
Fernald	Lenroot	Sheppard	Williams
Ferris	McKellar	Shipstead	Willis

The VICE PRESIDENT. Seventy-two Senators having answered to their names, a quorum is present.

Mr. McNARY. Mr. President—

The VICE PRESIDENT. A motion to lay on the table is not debatable. Does the Senator rise to debate the question?

Mr. McNARY. I ask the attention of the able and amusing Senator from Alabama [Mr. HEFLIN]. I appeal to his sense of justice. After delivering a merrymaking speech here of some length, I do not think it is fair to attempt to cut off debate by making a motion to lay on the table.

I have a very few brief remarks to make, not with respect to the merits of these proposals but with respect to the parliamentary situation and the precedents that have been heretofore established by the Senate, and in all fairness I certainly should have an opportunity to do that.

Mr. HEFLIN. Mr. President, I want to say frankly to my friend the able and distinguished Senator from Oregon—for I am his friend—that information has come to me that an effort is going to be made to carry this matter over through tomorrow and not let us get action even on the matter of referring the bill until Monday. We can not afford to permit that. The Senator from Nebraska occupied the floor longer than I did. The Senator from Tennessee interrupted him, and then I made a brief speech and moved to lay his motion on the table.

I think nine-tenths of the Senators here indorse that motion. A dozen Senators have told me since that they were glad I made it—Senators on both sides. I would love to withdraw it at the request of my good friend, but he can make his statement just as well after the motion is voted upon.

Mr. McNARY. That would be true if I were to speak to the merits of this proposal; but the remarks I desire to make go to the question of what has been the practice and procedure of the Senate in cases of pure analogy.

Mr. HEFLIN. That would not do any good, Mr. President. I believe that a majority of this body is determined to do its best to get action at this session of Congress. We want to get action in concert with the other body.

Mr. McKELLAR. Mr. President—

The VICE PRESIDENT. The Chair understands that the Senator does not withdraw his motion.

Mr. HEFLIN. For that reason I can not withdraw the motion.
Mr. NORRIS. I ask for the yeas and nays on the motion.
The yeas and nays were ordered.

The VICE PRESIDENT. The question is on the motion of the Senator from Alabama [Mr. HEFLIN] to lay on the table the motion of the Senator from Nebraska [Mr. NORRIS]. On that question the yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. If at liberty to vote, I should vote "nay," and the junior Senator from Indiana would vote "yea." Under the circumstances, I withhold my vote.

Mr. BROUSSARD (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. MOSES], who is unavoidably absent. I understand that if present he would vote as I intend to vote. Therefore I vote "yea."

Mr. FERRIS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PEPPER]. Not knowing how he would vote on this question, I withhold my vote.

Mr. TRAMMELL (when Mr. FLETCHER's name was called). I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER]. He has a general pair with the junior Senator from Delaware [Mr. DU PONT].

Mr. NORBECK (when his name was called). On this question I have a pair with the junior Senator from Arkansas [Mr. CARAWAY]. If he were present, he would vote "yea." If at liberty to vote, I should vote "nay."

Mr. PHIPPS (when his name was called). I have a pair with the junior Senator from Georgia [Mr. GEORGE], which I transfer to the senior Senator from Vermont [Mr. GREENE], and will vote. I vote "yea."

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. BAYARD]. If he were present, he would vote as I intend to vote, and therefore I will vote. I vote "yea."

Mr. ROBINSON of Arkansas (when his name was called). I have a pair with the Senator from New York [Mr. WADSWORTH]. I am informed that if he were present he would vote as I intend to vote, and therefore I will vote. I vote "yea."

The roll call was concluded.

Mr. MCKELLAR. The senior Senator from Missouri [Mr. REED] is necessarily absent. If he were present, he would vote "nay."

Mr. MAYFIELD. The senior Senator from West Virginia [Mr. NEELY] is detained from the Senate on account of illness.

Mr. BRATTON. I transfer my pair with the junior Senator from Indiana [Mr. ROBINSON] to the senior Senator from Missouri [Mr. REED] and will vote. I vote "nay."

Mr. ROBINSON of Arkansas. I desire to announce the absence of the Senator from Nevada [Mr. PITTMAN] on account of illness.

I also desire to announce that the Senator from New Jersey [Mr. EDWARDS] is necessarily absent. If present, he would vote "yea."

Mr. JONES of Washington. I wish to announce that the Senator from Massachusetts [Mr. BUTLER] is paired with the Senator from New York [Mr. COPELAND]. If present, the Senator from Massachusetts would vote "yea," and the Senator from New York would vote "nay."

The result was announced—yeas 39, nays 31, as follows:

YEAS—39

Bingham	Gillett	Oddie	Stephens
Broussard	Goff	Phipps	Swanson
Bruce	Hale	Pine	Tyson
Curtis	Harris	Ransdell	Underwood
Dale	Harrison	Reed, Pa.	Warren
Deneen	Hefflin	Robinson, Ark.	Watson
Edge	Kendrick	Sackett	Weller
Ernst	Keyes	Shortridge	Williams
Fernald	Means	Smoot	Willis
Fess	Metcalf	Steck	

NAYS—31

Ashurst	Frazier	Lenroot	Sheppard
Blease	Gooding	McKellar	Shipstead
Borah	Harrell	McMaster	Simmons
Bratton	Howell	McNary	Smith
Cameron	Jones, N. Mex.	Mayfield	Stanfield
Couzens	Jones, Wash.	Norris	Walsh
Cummins	King	Nye	Wheeler
Dill	La Follette	Overman	

NOT VOTING—26

Bayard	Caraway	Edwards	George
Butler	Copeland	Ferris	Gerry
Capper	du Pont	Fletcher	Glass

Greene
Johnson
McKinley
McLean

Moses
Neely
Norbeck
Pepper

Pittman
Reed, Mo.
Robinson, Ind.
Schall

Trammell
Wadsworth

So Mr. NORRIS's motion to refer the bill to the Committee on Agriculture and Forestry was laid on the table.

Mr. DENEEN. Mr. President, I desire to file the minority views from the Joint Committee on Muscle Shoals. When the majority report was presented the minority views had not been prepared, and I file them for the information of the Senate.

The VICE PRESIDENT. The minority views will be received and printed as part 2 of Report No. 672.

Mr. DENEEN. I submit a resolution for printing 5,000 copies of the report on Muscle Shoals accompanying the bill.

The resolution (S. Res. 216) was read, as follows:

Resolved, That 5,000 additional copies of Senate Report No. 672, accompanying the bill (S. 4106) to authorize and direct the Secretary of War to execute a lease with the Muscle Shoals Fertilizer Co. and the Muscle Shoals Power Distributing Co., and for other purposes, be printed for the use of the Senate document room.

Mr. MCKELLAR. Does that include the minority views?

Mr. DENEEN. Yes; it will include the minority views.

Mr. MCKELLAR. It is understood that both reports will be printed together. I have no objection under that assurance.

Mr. DENEEN. I have no objection to that. The resolution will include the printing of 5,000 copies of the minority views, to be attached to the majority report. The majority report has been printed. To-morrow I shall introduce a resolution for the printing of the testimony.

Mr. MCKELLAR. If both reports are included, I have no objection. I ask that the words "together with the minority views" be inserted in the resolution.

Mr. DENEEN. Very well; I accept the modification.

The resolution as modified was agreed to, as follows:

Resolved, That 5,000 additional copies of Senate Report No. 672, accompanying the bill (S. 4106) to authorize and direct the Secretary of War to execute a lease with the Muscle Shoals Fertilizer Co. and the Muscle Shoals Power Distributing Co., and for other purposes, together with the minority views, be printed for the use of the Senate document room.

SETTLEMENT OF INDEBTEDNESS OF THE FRENCH REPUBLIC
(S. DOC. NO. 102)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying document, referred to the Committee on Finance and ordered to be printed:

To the Congress of the United States:

I am submitting herewith for the consideration of the Congress a copy of an agreement dated April 29, 1926, executed by the Secretary of the Treasury as chairman of the World War Foreign Debt Commission, providing for the settlement of the indebtedness of the French Republic to the United States of America. The agreement was approved by me on April 29, 1926, subject to the approval of Congress, pursuant to authority conferred by act approved February 9, 1922, as amended by act approved February 28, 1923, and as further amended by act approved January 21, 1925.

I believe that the settlement upon the terms set forth in the agreement is fair and just to both Governments, and recommend its approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, April 30, 1926.

PROPOSED PHILIPPINE MISSION

The VICE PRESIDENT laid before the Senate the following communication from the Secretary of the Treasury, which was read and ordered to lie on the table:

TREASURY DEPARTMENT,

Washington, April 29, 1926.

The PRESIDENT OF THE SENATE,

Washington, D. C.

SIR: I have to acknowledge receipt of Senate Resolution No. 196, requesting the Secretary of the Treasury to advise the Senate as to whether or not any funds in the Treasury are available under any existing appropriation act for the payment of the expenses of an investigation of conditions in the Philippine Islands by Carmi Thompson, Esq., of Ohio, recently reported to have been appointed by the President of the United States to make such investigation.

In reply, you are informed that the Treasury knows of no funds under any existing appropriation act available for this purpose. As the Treasury has no information on this subject, and as it is one that

presumably would come under the jurisdiction of the War Department, it is suggested that information relating thereto possibly may be obtained from the Secretary of War.

Respectfully,

A. W. MELLON,
Secretary of the Treasury.

Mr. KING subsequently said: Mr. President, I note that in response to a resolution which I offered a few days ago, asking the Secretary of the Treasury to inform us whether the President had any funds available for the sending of a roving commission to the Philippine Islands, headed by Carmi Thompson, he replies that no funds whatever are available in the Treasury Department for that purpose. The letter which has just been transmitted by the Secretary indicates that possibly the War Department may have some such funds. Accordingly, I shall offer a resolution to see if we can find whether, in some of the departments or in some bureau, there are funds available for this roving commission.

DISTRICT OF COLUMBIA APPROPRIATIONS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives on certain amendments of the Senate to House bill 10198, the District of Columbia appropriation bill, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES,
April 29, 1926.

Resolved, That the House recedes from its disagreement to the amendments of the Senate Nos. 46, 56, 100, and 102 to the bill (H. R. 10198) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes, and concurs therein.

That the House recedes from its disagreement to the amendment of the Senate No. 109, and concurs therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

That any person employed under any of the provisions of this act who has been employed for 10 consecutive months or more shall not be denied the leave of absence with pay for which the law provides.

That the House recedes from its disagreement to the amendment of the Senate No. 110, and concurs therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following.

SEC. 7. Hereafter in the payment of compensation of per diem employees of the government of the District of Columbia a signature by mark duly witnessed by an employee of such District designated for that purpose by the commissioners, shall be deemed a full legal acquittance as to such signature.

Mr. PHIPPS. The House conferees, under the rule of the House, asked for action on certain amendments. I will say that they are merely textual in form and clarify the language in a few cases without changing the meaning of the amendments that the Senate placed in the bill. I move that the Senate agree to the amendments of the House to the amendments of the Senate Nos. 109 and 110.

The motion was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker of the House had affixed his signature to the following enrolled bills:

H. R. 2761. An act for the relief of Nora B. Sherrier Johnson;

H. R. 2797. An act for the relief of Mary M. Pride;

H. R. 3797. An act to increase the limit of cost of public building at Decatur, Ala.;

H. R. 3971. An act to correct and perfect title to certain lands and portions of lots in Centerville, Iowa, in the United States of America, and authorizing the conveyance of title in certain other lands and portions of lots adjacent to the United States post-office site in Centerville, Iowa, to the record owners thereof, by the Secretary of the Treasury;

H. R. 7904. An act granting the consent of Congress to Des Arc Bridge Co. and its successors and assigns to construct a bridge across the White River at Des Arc, Ark.;

H. R. 7818. An act to amend section 304 of an act entitled "An act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes," approved August 15, 1921;

H. R. 8817. An act reserving certain described lands in Coos County, Oreg., as public parks and camp sites;

H. R. 9348. An act granting the consent of Congress to the Weirton Bridge & Development Co. for the construction of a bridge across the Ohio River near Steubenville, Ohio;

H. R. 9494. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the Gainesboro-Red Boiling Springs road in Jackson County, Tenn.;

H. R. 9503. An act granting permission to the State Highway Commission of the State of Tennessee to construct a bridge across the Tennessee River at Savannah, Hardin County, Tenn., on the Savannah-Selmer road;

H. R. 9505. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Waverly-Camden road between Humphreys and Benton Counties, Tenn.;

H. R. 9506. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Linden-Lexington road in Perry and Decatur Counties, Tenn.;

H. R. 10002. An act granting the consent of Congress to H. J. Stannert, Harry Weis, and George W. Rockwell to construct, maintain, and operate a bridge across the Susquehanna River from a point in the city of Sunbury, Northumberland County, to a point in the township of Monroe, in Snyder County, in the State of Pennsylvania; and

S. 2296. An act authorizing insurance companies or associations, or fraternal or beneficial societies to file bills of interpleader.

COURTS IN MONTANA

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5701) to designate the times and places of holding terms of the United States District Court for the District of Montana, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WALSH. I move that the Senate insist upon its amendments disagreed to by the House, accede to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. GILLET, Mr. GOFF, and Mr. WALSH conferees on the part of the Senate.

MISSISSIPPI RIVER BRIDGES

Mr. BINGHAM. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 9460) granting the consent of Congress to the highway department of the State of Minnesota to reconstruct a bridge across the Mississippi River between the city of Anoka, in Anoka County, and Champlin, in Hennepin County, Minn., and I submit a report (No. 726) thereon.

Mr. SHIPSTEAD. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BINGHAM. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 9596) to extend the time for the construction of a bridge across the Mississippi River in the county of Aitkin, Minn., and I submit a report (No. 727) thereon.

Mr. SHIPSTEAD. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BINGHAM. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 10121) to revive and reenact the act entitled "An act granting the consent of Congress to the city of St. Paul, Minn., to construct a bridge across the Mississippi River," approved January 31, 1923, and I submit a report (No. 728) thereon.

Mr. SHIPSTEAD. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BINGHAM. From the Committee on Commerce I report back favorably with amendments the bill (H. R. 10470) granting the consent of Congress to the city of Little Falls, Minn., to construct a bridge across the Mississippi River at or

near the southeast corner of lot 3, section 34, township 41 north, range 32 west, and I submit a report (No. 730) thereon.

Mr. SHIPSTEAD. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 2, line 2, after the numerals "1906," to strike out the comma and the following words: "and subject to the conditions and limitations contained in this act. The construction of such bridge shall not be commenced, nor shall any alteration in the plans for the same be made either before or after its completion, until the plans and specifications for the bridge or for the alteration in the plans thereof have been submitted to the Secretary of War and Chief of Engineers and approved by them as being adequate for the volume and weight of traffic that will pass over it," and to strike out section 2 in the following words:

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the city of Little Falls, its successors and assigns, and any party to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure, or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such party.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ALLEGHENY RIVER BRIDGE

Mr. BINGHAM. From the Committee on Commerce I report back favorably with an amendment the bill (H. R. 10246) to authorize the commissioners of McKean County, Pa., or their successors in office, to construct a bridge across the Allegheny River at a certain location where a highway known as State Highway Route No. 211 crosses said river at a location within the limits of the borough of Eldred or not distant more than one-half mile north of said borough of Eldred, McKean County, Pa., and I submit a report (No. 731) thereon.

Mr. REED of Pennsylvania. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was, on page 2, line 7, after the numerals "1906," to strike out the colon and the following proviso:

Provided, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also adequate from the standpoint of the volume and weight of the traffic which will pass over it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

OHIO RIVER BRIDGE

Mr. BINGHAM. From the Committee on Commerce I report back favorably with amendments the bill (H. R. 10169) granting the consent of Congress to the Gallia County Ohio River Bridge Co. and its successors and assigns to construct a bridge across the Ohio River at or near Gallipolis, Ohio, and I submit a report (No. 732) thereon.

Mr. WILLIS. I ask for the present consideration of the bill. There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 2, line 3, after the word "act," to strike out the following:

The construction of such bridge shall not be commenced, nor shall any alterations in the plans for the same be made either before or after its completion, until the plans and specifications for the bridge, or for alterations in the plans thereof, have been submitted to the Secretary of War and the Chief of Engineers and approved by them as being adequate for the volume and weight of traffic that will pass over it.

On page 2, line 22, after the word "therefor," to strike out "may be had in any court of competent jurisdiction in such State" and insert "shall be the same as in the condemnation and expropriation of property in such State"; on page 5, line 1, after the words "Secretary of," to strike out "Agriculture" and insert "War"; in line 6, after the words "Sec-

retary of," to strike out "Agriculture" and insert "War"; and in line 12, after the words "Secretary of," to strike out "Agriculture" and insert "War."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill read a third time.

The bill was read the third time and passed.

ROCK RIVER BRIDGE, WIS.

Mr. BINGHAM. From the Committee of Commerce I report back favorably without amendment the bill (H. R. 9393) to extend the time for the construction of a bridge across Rock River at the city of Beloit, county of Rock, State of Wisconsin, and I submit a report (No. 729) thereon.

Mr. LA FOLLETTE. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PORTRAIT OF THE LATE PRESIDENT HARDING

Mr. FESS. From the Committee on the Library, I report back favorably without amendment the joint resolution (S. J. Res. 101) authorizing the Joint Committee on the Library to procure an oil portrait of the late President Warren G. Harding, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, and it was read, as follows:

Resolved, etc., That the Joint Committee on the Library is hereby authorized to procure an oil portrait of the late President Warren G. Harding for the Executive Mansion, at a cost not to exceed \$2,500.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF CHIPPEWA INDIANS OF MINNESOTA

Mr. HARRELD submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 178) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2; and the House agree to the same.

J. W. HARRELD,
RALPH H. CAMERON,
JOHN B. KENDRICK,

Managers on the part of the Senate.

SCOTT LEAVITT,
W. H. SPROUL,
CARL HAYDEN,

Managers on the part of the House.

Mr. KING. Mr. President, I would like to ask the Senator from Oklahoma if the conference report which has just been read includes or excludes an item of \$346,000 concerning which there has been some controversy?

Mr. HARRELD. It did not deal with that at all. The only point in controversy was a limitation on the amount of fees which should be paid to attorneys. This is the Chippewa jurisdictional bill.

Mr. KING. I would like to ask the Senator if there is some bill in conference involving that question. I have had a number of communications in regard to it.

Mr. HARRELD. I do not recall the matter.

Mr. KING. Is there a bill pending which involves an item of \$346,000, to which the Indians are very much opposed?

Mr. HARRELD. Involving the Chippewa Indians?

Mr. KING. I am not sure.

Mr. HARRELD. The Senator refers to the Bratton bill, I think.

Mr. KING. I am not sure as to that. Letters came to me this morning mentioning the matter, and I have had no time to examine into the question.

Mr. HARRELD. I do not recall any such bill.

Mr. KING. If it had been included in this report, I did not want it to pass without comment.

The report was agreed to.

ADDRESS OF SENATOR SIMEON D. FESS

Mr. HALE. Mr. President, I ask unanimous consent that there be printed in the Record an address made by the junior Senator from Ohio [Mr. Fess] at the Republican State Convention in Portland, Me., on April 6 of this year.

The VICE PRESIDENT. Is there objection?

There being no objection, the address was ordered to be printed in the Record, as follows:

Mr. Chairman and ladies and gentlemen of the convention, the problems before the country to-day are largely due to conditions growing out of war.

Our part in the World War was under the direction of the Democratic Party, which was then in control and which by experience and attitude toward business integrity was not the best fitted to conduct such an undertaking in the most systematic or businesslike manner.

Such a convulsion as the World War at best would tax the best brain and leadership of the country, and even then many unfortunate mistakes would be made. These would be inevitable under such stress as provoked by the world's greatest convulsion. It is not important to dwell upon these mistakes. It is sufficient to recognize their commission and to correct them if possible.

The war brought its complications and peace its problems. The American people recognized both, and it was but natural for them to turn to the party of constructive business integrity for the work of readjustment.

When the Republican Party took full control in 1921 it found a public debt which, in 1914 was \$973,000,000, had gone to \$26,500,000,000, or an increase of more than 2,500 per cent. It found its annual interest charge ascend from \$40,000,000 to \$1,125,000,000. It found a tax burden which had been a fraction beyond a billion a year, all told, increased to five and one-half billion. It found its additional current obligations in the form of the unfunded or floating debt of three billions, carried by the banks at the expense of productive industry. Of the enormous funded loans, it had to meet the Victory loan of over four billion by May 20, 1923, which was due at that time, and in addition to the foregoing it had to meet the three-fourths of a billion dollars in war-savings stamps.

Government financing under the present Secretary of the Treasury commends itself as an unusual achievement. Aside from the current obligations which had to be met by heavy taxation, these Government obligations, in the form of the floating debt, war savings stamps, and Victory notes, presented the problem of meeting charges by 1923 of more than seven and one-half billion dollars. Three billion of this was the unfunded obligations which the Wilson administration had hoped might be cared for by revenue derived from war liquidations. To bridge it over the banks were asked to carry this enormous burden for the Government, which borrowed for from 3 to 6 months, with privilege of renewal if not paid. Of course, the payment could not be made, and the burden to the banks continued up to the time the present Secretary took charge of the finances.

The effect of this hand-to-mouth financial policy of financing was serious, with definite results. This item alone deprived industry of three billion cash, equivalent to at least \$7,000,000,000 of commercial credit. The immediate result was to starve industry for want of capital. The liquid assets which normally would flow to productive industry were frozen and banking became difficult. Interest rates scaled high, rediscount rates went higher, money became tight, industry was paralyzed, and widespread dislocations with dire consequences were ominous.

As enterprise slowed down when it did not entirely close, affecting all the basic industries, especially those of heavy investment of capital and large employment of labor, such as manufacturing, mining, and transportation, unemployment increased to an alarming extent, until at least 5,000,000 workers were without labor and general suffering reached much of our population.

The direct effect was displayed in an almost fatal decline of all values, and especially those in the security market. Even Liberty bonds, which should be the best security in the world, struck the low level of 84. This one item was the very best barometer of the unfortunate situation produced by this policy of Government financing, which called for definite and immediate relief.

The immediate problem of the Treasury therefore was to release at least this \$7,000,000,000 of commercial credit for industry now tied up by the Government. The Secretary sought the plan of transferring these obligations from the banks to the investment public. In case the public could and would absorb them in the purchase of short-term certificates, so maturing as to enable the Government to either pay or refund when due, the tied-up assets of the banks would be released, and then the banks could supply that amount of capital for industry.

He at first offered a block of one-half billion three-year certificates at 5½ per cent. Fortunately, the public immediately absorbed them by a large oversubscription. The same result was realized with the next half billion. He continued to offer and the public continued to oversubscribe, even at as low a rate as 4¼ per cent, until the entire floating or unfunded debt of three billion was cared for.

The results of this financing were speedy and definite. Banking became easier, interest rates declined, rediscount rates fell from 7½ in time to less than 5, capital began to flow into investment, industry at once began to revive, unemployment began to decline and in time entirely disappeared, general values appreciated, Government obligations (Liberty bonds) went to par, and the Nation's business integrity was again on a sound and substantial foundation.

This policy revealed a hitherto unknown power of our investment public, and its marked success induced the Secretary of the Treasury to proceed to convert the \$4,050,000,000 Victory notes falling due May 20, 1923, in a similar manner.

It was apparent that only a small portion of this vast obligation could be paid, and the amount was too great to be refunded in a lump sum without serious interruption to the industrial progress upon which the Nation had entered. His proposal therefore was to offer small blocks maturing at convenient periods, at the time fixed for income-tax payments, and as a further inducement to the public he allowed the acceptance of Victory notes in payment of taxes.

By October 31, 1923, he had successfully issued four series of certificates of indebtedness ranging from 4 to 4½ amounting to nearly one billion, to be exact, \$941,013,500. He had issued nine series of Treasury notes ranging from 4¼ to 5½, totaling \$4,050,432,000. The first two issues matured June 15 and September 15, 1924. The next three matured March 15, June 15, and December 15, 1925; the next two matured March 15 and September 15, 1926, and the last two March 15 and December 15, 1927.

This entire issue was completed by May 15, 1923, a few days before the maturity of the Victory loan. Instead of the Government facing obligations of \$7,500,000,000, due May 2, which it could not possibly pay, under the guidance of the Treasury all this vast sum was cared for by retiring a portion of it, funding that part known as the floating debt, and refunding the balance of it at a comparatively low rate of interest, resulting in a substantial saving for the Government, and at periods of maturity to avoid future confusion to the Treasury. This accomplished, operations to refund in similar manner the over three billion third Liberty loan due in 1928 are now proceeding, with about one-third of it already cared for. While figures are dry and financial discussions are generally uninteresting, there is no eloquence superior to the plain recital of the operations of the Treasury.

From 1921 to 1926 is time enough to estimate fairly well the wisdom of the policy. During that time the Government has not only balanced its Budget but it has reduced the public debt almost \$5,000,000,000, with a perpetual annual saving of \$225,000,000 of interest. This reduction could be made possible only by the policy of rigid economy of the administration led by the President and supported by Congress. During this period three separate measures of tax reduction were enacted, 1922, 1924, and 1926, totaling \$1,622,000,000, or an annual saving at the rate of over \$4,000,000 per day.

The prodigious operations of the Treasury, at once bewildering because of their dimensions and brilliant because of their success, are shown by the statement of the Secretary, for example, in his report of 1923:

"During the fiscal year of 1923 bonds, notes, and certificates of indebtedness amounting to \$7,057,189,860 were issued against cash receipts and bonds, notes, and certificates of indebtedness amounting to \$7,323,073,300 were discharged by payment."

The last report of the Treasury (1925) shows the wonderful position of the finances of the Government. The Secretary, commenting upon debt reduction, states:

"At the present rate of payment as provided in the sinking fund, the so-called domestic debt, representing money spent by America in the war, and amounting at the present time to \$8,712,700,000, will be discharged by 1944, which, including interest, will make total payments of \$12,754,700,000 to be made in the next 18½ years."

The outstanding significance of these operations is the tremendous financial reserve ability of the American people. These offerings were made to the public, and each of the more than dozen were oversubscribed. The last \$400,000,000 of the Victory notes was oversubscribed by almost a billion dollars.

Another fact of great importance was the ease with which the transactions were completed. It was so skillfully handled that business was not in the least interrupted, as is the usual result, while, on the contrary, scarcely any but those conversant with financial transactions even knew they were being made.

This ability is also shown in the security markets. Twenty-five years ago there were not over 4,400,000 shareholders in American corporations. To-day there are not less than 14,400,000. Last year 43,850,127 depositors held over \$23,000,000,000 in the savings banks of the United States. Total wages and salaries paid last year exceeded \$40,000,000,000—a mere suggestion of the reserve power of American labor. The movement toward popular ownership of utilities, both public and corporate, is one of the most significant of modern life and promises well for minimizing the perennial controversies between labor and capital.

Large credit must be given to the financial genius directing it. He knows the problem and has the solution. He has the complete confidence of the business world because of his economically

sound viewpoint. This enables him to mobilize the financial ability of the public which he has accomplished.

This ability, so wonderfully exemplified in his achievements, is the basis of the fiercest criticisms of a type of Democratic politicians in their charge that "big business" has taken control of the administration. The Government is a big business and never was administered in a bigger and better way, doing equal justice to all without regard to big or little interests and with a wider and more general distribution of wealth in which more people have a share than has yet been enjoyed in the history of civilization.

While the outstanding achievements of the Treasury so far as the public will judge it will always be the refunding operations and the reduction of the public debt, the greatest achievement was in the service rendered to relieve the people of the Nation from the general industrial depression with its wide-spread suffering. When the Treasury transferred to the investment public the obligations representing the floating debt, up to that time carried by the banks, which obligations had absorbed the banks' liquid assets and had inevitably starved industry, resulting in an army of unemployed, it relieved the banks and thereby released their frozen assets and made possible commercial credit of billions of dollars which at once flowed to productive industry and solved the problem of unemployment as well as Government credit.

This administration thus pointed the way for the industrial revival which in five years has placed the Nation in its strongest financial and industrial position. In no period of our history have the basic industries, save agriculture in those States where war liquidation has not yet been completed, been placed on a sounder basis. Capital is fully invested, labor is generally employed at higher wages and under better conditions with a better spirit in both labor and capital than at any previous period. There is also a closer relation between production and consumption thus minimizing the surplus problem of overproduction and avoiding the periodic depression of other years.

One of the important assets of sound government financing is the element of stability which replaces the haphazard method by a scientific method of business. This stability in industry relieves business as a mere venture by giving it a substantial character of more or less certainty. Under such circumstances capital has an easy flow, opening the way for our banking resources to seek profitable investment, and making possible the fullest employment of labor—steady and at a high level of wages.

To-day the transportation facilities of the country, a good barometer of business conditions, are taxed almost to their capacity. The traffic handled is the largest in volume, the most expeditious in movement, the safest in transit, the cheapest in transportation, and the most efficient in service in our history.

The mining and manufacturing situation is on a stable basis, with consumption keeping pace with production, which avoids the serious consequences of the surplus problem.

Investments, both governmental and industrial, are ranging on levels above par, and general transactions indicate confidence as well as stability in the investment market.

While the cost of living ranges high, it is due to an increasing scale of wages, which has risen higher than the cost of living. Compared with pre-war times the scale of wages has increased 237.9 per cent, while the cost of living has increased 177.9 per cent. There appears to be a better feeling between labor and capital growing out of a better understanding, and hence fewer strikes and less consequent loss and suffering from labor troubles.

Whatever else is desired from the administration of the Nation's affairs, nothing is more important than the prosperity of its people. When all the forces of normal production and consumption flow in normal channels, capital can find investment in productive industry by employing the labor of the country at a wage scale to maintain the proper standard of living of all classes. This latter must be assured in order to insure a consumption where the articles of production may be marketed.

The agriculturist is most interested in finding this market for that portion of his production not needed for his own consumption. The nonagricultural population is his chief consumer. The great industries employing millions of labor and paying out billions of wages absorb 95 per cent of the farmers' production.

The breaking down or even the crippling of this power is immediately reflected in the loss to the food producer, who will be denied the power to sell his surplus to secure the necessary funds to care for his annual expenses. The greatest service that can be rendered to the farmer is to supply this market at home.

Wherever legislation can economically assist in building up a consumptive power in the American people, such legislation will be reflected in the returns to the farmer; hence the importance of the American protective system. Wherever legislation can assist in securing a greater share of the price paid by the consumer by assuring better facilities for marketing, such legislation is warranted; hence the importance of cooperative marketing. But any proposal not based on the principles of sound economy should be avoided, as it only defers the day of reckoning. Economic ills must be met by economic

remedies. Any attempt to meet them by statutory enactment will end in disaster for all concerned. Here is the greatest danger confronting the industry of the farm.

Agriculture is not only basic but is the one all essential, without which the people could not subsist. Its future is assured if guided along sound lines free from politics. Its normal processes were interrupted by war; its speculative dealings almost uprooted its fundamental principles; evil results from such conditions and practices can not be cured by statutes. Future payments on land sales at inflated prices dependent upon the production from the farm is a problem to be met by sound economy, a problem that will not and can not yield to legislative remedies. If agriculture will be given a chance to readjust on economic lines, undisturbed by political considerations, it will soon be on a solid basis. Any makeshift legislation will only defer the day of reckoning with aggravated results.

As one aid to American industry our foreign trade has reached enormous proportions. Foreign business increased from six billions of dollars in 1924 to six billions eight hundred millions in 1925. This was a gain of eleven hundred million over 1923 and over five billion beyond pre-war days.

It is reported that our present total foreign holdings will amount to \$10,400,000,000, an increase for the year of over twelve hundred millions.

In passing, it is proper to say that the stability of Europe through her economic recovery is due to our leadership displayed in the Dawes commission plan, now in operation.

Judged by the character of the problem, aggravated by the disastrous dislocations, complicated by the vast national and international interests, strained by age-long and deep-seated national prejudices, the speedy adjustments of serious interruptions, the complete restoration of confidence and stability, the reorganization of the vast machinery of industry upon a sound economic basis, these achievements present a series of accomplishments that challenge the record to find an equal, since character rests upon a record rather than a prospectus, something accomplished rather than something promised. It is well to note other problems and their solution.

The foreign loans problem was another financial transaction that taxed the Nation's ability and patience. During and immediately after the war our country loaned to 20 foreign nations the prodigious sum of \$9,600,000,000, which, with interest at 4½ per cent to 1922, amounted to \$12,200,000,000. President Wilson urged these loans as necessary to win the war.

No payments, either of principal or interest, were made and no step taken to settle a basis upon which such payments would be made until after the inauguration of President Harding, when a debt commission was created and negotiations were begun. Britain's case was first taken up. She owed \$4,600,000,000. All talk of cancellation which had been vocal in Europe since the close of the war was waved aside. The principal must be paid in full. It was decided to give her 62 years in which to pay it.

A concession of a lower rate of interest was made by charging 3 per cent the first 10 years and 3½ per cent the 52 years remaining, totaling principal and interest \$11,100,000,000, the most stupendous transaction of history. This settlement was based upon 100 per cent payment of the principal, and about 78 per cent of interest, if we use 4½ per cent as a basis.

All other settlements up to date are substantially the same except Belgium and Italy. Belgium demanded, when the treaty of Versailles was signed, \$1,000,000,000 reparations, and the forced issue of 6,200,000,000 marks, during German occupation, redeemed. Belgium was induced by President Wilson, Lloyd George, and Clemenceau to reduce reparations to \$500,000,000 and entirely forego the redemption of the marks. As an inducement, she was to be exempted from the payment of interest on the prearmistice loans. Our loan was \$171,000,000. Upon that the settlement charges no interest. The postarmistice loan with interest at 4½ per cent to December 15, 1922, amounts to \$246,000,000. Upon this amount Belgium pays at same rates as Britain.

With Italy, the settlement required 100 per cent of the principal paid. But in interest, great concession was made. On an average for the 62 years, she pays only 1.1 per cent. The basis of this settlement took the financial situation into consideration. Italy is about one-half the size of France with almost as large a population. She has no colonies and received only 10 per cent of the spoils of war. Her agricultural facilities are not enough to supply her food necessities. Her raw materials are silk, water power, and labor. She has no coal to speak of, while we mine 42 per cent of all the coal mined in the world. She has no iron, while we have 54 per cent of the world's production. She has no cotton, while we have 69 per cent of the world's production. She has no copper, while we have 47 per cent of it. She has no petroleum, while we produce 62 per cent of the world's production. Her wealth is variously estimated at from \$22,000,000,000 to \$35,000,000,000.

Ours approaches \$400,000,000,000. Our annual income is estimated to be three times her total wealth. She suffers the heaviest taxation of any nation in Europe. She produces to the best of her ability and

cuts all expenses to the bone in order to balance her budget. She has reduced her army far below what other European nations have done.

This Nation as a creditor considered all these elements and definitely decided that its wisest course was to deal upon the basis of ability to pay. If a debtor is pushed beyond that limit, bankruptcy or repudiation will follow. It was neither wise nor just to either America or Italy to compel such alternative.

When within the next few weeks the administration will have completed these settlements, and so far as a nation can go in such matters as collecting debts from sovereign countries, will begin to receive annual payments upon the principal and such amounts of interest as have been agreed upon, the country's public debt will be reduced to the degree of annual payments upon principal and its annual charge of interest, which this year is \$833,000,000, can be reduced by the amount of interest paid. This achievement will not only secure to our own people relief, but it will go far toward greater stabilization of the European countries.

The war condition in Europe stimulated European immigration to such an extent that the administration was moved to meet that serious problem by further restrictive immigration legislation. We have now definitely adopted the wise course to close the gates except to such immigrants as will be desirable, and to all who will complicate our problems of government, our industrial organization, and our permanency of employment of labor.

To insure the continuous growth and expansion of our home market must ever be the purpose of our people. Our prime concern as a commercial power is to insure the fullest investment of capital in productive industry, employing American labor upon a scale of wages to maintain an American standard of living. To this end we have restored the protective tariff system, with the largest collection of customs dues in our history, the greatest volume of foreign trade, and a scale of domestic production never excelled.

The World War inevitably brought its international complications with our former associates as well as with our enemies. The list of more than 60 treaties between this and other governments make up the record of international adjustments. Outstanding in this program is the Washington conference in 1921, which in three months did more for the peace of the world than has been done in three centuries before.

It reduced the burdens of war taxation by limiting armament on the sea. It lessened the chances for war by ending naval rivalry by the 5-5-3 pact. It set up the machinery for peaceful settlement of future disputes on the Pacific through the four-power treaty. In addition to these results, it committed nine powers to the integrity of China, to the open-door policy in the Orient, to the cancellation of the Anglo-Japanese alliance, and to the return of Shantung to China.

This conference is pronounced by the best thought of Europe and America as the most far-reaching work for world peace yet achieved.

The continued disintegration of Europe, her deranged currencies, and prohibitive foreign exchanges forestalled all promise of economic recovery. The inevitable estrangement of Britain and France, driven farther apart by economic forces, led to our proposal for an international commission of survey, which after the lapse of a year finally resulted in the Dawes Commission. The plan recommended was accepted and is now in operation, with great promise of permanent stability.

The next normal step was the adherence to the World Court as the very best plan yet proposed to find a judicial process for settling international differences rather than resort to war.

Our people are sincerely anxious to reduce war to the minimum. They want their Government to lead in the further reduction of land armament. Without waiting for other nations, the United States proceeded at once after the war to reduce the American Army to the minimum. It invites Europe to take the same course, and had much to do with the preliminary steps into the Locarno conference. To-day no country is more anxious to see the Locarno spirit become regnant throughout Europe than the United States.

It would be difficult to produce a better record of leadership in international readjustments than has crowned the efforts of the United States since 1921. In all history no nation has ever reached such eminent position before the nations of the world.

Quite naturally the high position reached by this Republic, especially as a creditor, has caused more or less jealousy, if not bitterness, in some quarters among debtor countries. Even these concede to the United States the most potent force in civilization. At no time and in no place has business enterprise reached such dimensions. At no time nor at any place has wealth been so generally distributed. In no country at no time has home ownership been so much enjoyed by such a vast percentage of the people of a nation. At no time and in no place have the toilers of a nation emerged from the lowlands into such planes of independent influence and power as here in America.

At no time nor in any place has such equality of opportunity been exercised and enjoyed with such amazing popular results as here in America, where the employees of to-day become the employers of tomorrow, where the follower of one decade becomes the leader of the next, where preferment rests upon merit and solid worth with small regard for race, color, or previous condition. The crowning glory of our history is in the emphasis we place upon ability and service.

From such we recruit our leadership in all lines of usefulness. They come from the backwoods of Kentucky, from the towpaths on the canal, from the countryside in Vermont.

May I congratulate all America, and especially New England, on her leadership in the White House. The country has never had her course more clearly charted nor her pilot more steady handed than to-day. A mind unconfused by the nostrum vender, a courage undaunted by political threats, an integrity unsullied by partisan assaults, a character unaffected by personal innuendo—Calvin Coolidge is to-day entrenched in the hearts of the American public with a confidence never surpassed in the political history of America. As the leader of a great political party in the greatest country in history, measured by past accomplishments, present administration, and future possibilities, he is easily the most widely trusted, the most ardently supported, and the most powerful figure in the world to-day. Under his leadership the Nation is and will conserve its priceless privileges first announced in the Declaration of Independence and guaranteed by the Constitution of the United States.

Under his guidance our fundamental institutions of government will be secure against any and all antigovernment agencies, without the loss of our fundamental liberties of speech, of the press, of assembly, and of religion.

With the stupendous progress of our material wealth the Nation is keeping pace in its intellectual and moral development and in those spiritual elements which must always lie at the foundation of real greatness.

Believing, as I do, that that party is the best that best serves the country, I congratulate this convention and the people of Maine, yes, the entire country, upon the achievement of the Republican Party, and especially its stupendous success since the war and at the present hour under the leadership of that New England product, this common-sense citizen, Calvin Coolidge.

COMMERCIAL POSSIBILITIES IN THE SOUTH

Mr. BLEASE. Mr. President, I have an article written by Hon. R. Goodwyn Rhett, former mayor of Charleston, S. C., and a prominent citizen of my State, on "South Atlantic prospects." It is quite a historical article, and I ask to have it printed in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the News and Courier, Charleston, S. C., Thursday, April 29, 1926]

R. GOODWYN RHETT STRESSES SOUTH ATLANTIC PROSPECTS—COMMERCIAL POSSIBILITIES ARE DISCUSSED BY CHARLESTON BANKER AT CONVENTION OF THE FOREIGN TRADE COUNCIL

By R. Goodwyn Rhett, president People's First National Bank, Charleston

In order that you may acquire a clear understanding of the remarkable possibilities of the South Atlantic in national foreign trade I shall have to take you back somewhat into the history of this coast. From the story you will learn why our ports, which once enjoyed so commanding a position in America's foreign trade, became in a comparatively short time a negligible factor in it. You also will learn of the forces which brought this decline about and how finally and only recently the last of them has been overcome; and you will, too, appreciate the reason why there is now such rapidly spreading faith in the future of this territory in relation to the economic life of the United States. In doing this I shall generally speak of Charleston and her back country, because I am more familiar with her past and present, but her history in respect to foreign commerce is practically the history of all of her sister ports on the South Atlantic, save those of lower Florida, and with minor modifications is the history of the entire coast.

During the colonial period, when the thirteen States along the Atlantic coast which formed this Union still constituted the frontiers of America to the European settlers, no part of these frontiers was more attractive than this southern section of it, and no part of that section more prosperous than the coastal country of the Carolinas and Georgia.

CHARLESTON IN 1773

Josiah Quincy, of Boston, visiting Charleston in 1773, gives his impression of the city in the following entry upon his journal:

"This town makes a most beautiful appearance as you come up to it and in many respects a magnificent one. The numbers of shipping far surpassed all I have seen in Boston. I can only say in general that in grandeur, splendor, buildings, decoration, equipages, shipping, and, indeed, in almost everything it far surpasses all I have ever seen or ever expect to see in America."

DeBrahm, surveyor of the southern district of North America, says of it in the same year:

"The city of Charleston is in every respect the most eminent and by far the richest city in the southern district of North America. . . . The annual export of Carolina rice amounts to above 100,000 barrels of neat rice, worth in Carolina \$275,000, next to which is indigo,

whose exportation comprehends no less than 600,000 weight, worth in Carolina £150,000, and the whole annual exportation may be valued at £637,000."

A truly magnificent total from local products for that early period. For nearly three-quarters of a century that commerce grew and prospered, and you may well wonder why these notable achievements should have since dwindled to practically nothing. The story is not without interest and may be quickly told.

In the early days of the Colonies, negro slaves were introduced into almost all of them. Their importation soon grew to large proportions in the southern Colonies against vain protests made by most of these Colonies to Great Britain.

While the pecuniary advantages of slave labor in the cultivation of rice, indigo, cotton, and tobacco were recognized, the menace which the rapid increase of the Negro race began to assume was fully appreciated by many southern statesmen, and, it will be remembered, repeated efforts were made to check it.

Now, at the time of the adoption of the Constitution, Delaware, Maryland, and Virginia constituted the "Black Belt," where four-sevenths of the slaves were located. But not long after the formation of the Union the "Black Belt" began to shift southward and southward to the cotton fields—to the cultivation of which this labor was peculiarly well adapted.

During all of the first half of the nineteenth century the South continued to prosper, and a large part of her surplus income was invested in slave labor for the better and wider cultivation of her crops. Even as late as 1850 the census placed Georgia first among all the States in the Union in her personal property assessed for taxation, with Massachusetts second, South Carolina third, Alabama fourth, and New York fifth.

At that time the taxable value of the slaves in the South, who produced most of her cotton and tobacco, is reckoned at not less than \$1,000,000,000.

STEAM RAILROAD ERA

On the other hand, the economic story of the Eastern and Middle States is a very different one. Conditions there were not suitable for negro labor and much of it was in time transferred to the cotton States. In the early days of the Union the thoughts and energies of the North Atlantic States turned more and more to manufacture and shipping and also to finance. They invested their surplus incomes in buildings and machinery and their progress was equally rapid and in some respects more so. Their financial resources soon grew to large proportions, their per capita circulation about 1840 being something like \$9, to less than one-fourth of that amount in the South and West. Moreover, they early turned their attention to the problems of transportation as is admirably described by Prof. William E. Dodd, of the University of Chicago, in his "Expansion and Conflict," as follows:

"The masters of this region were reaching out for the commerce of the West through the Erie Canal, which made northern and central Ohio the hinterland of New York; through the Baltimore & Ohio Railroad and the Chesapeake & Ohio Canal, which were aimed at western Virginia and the Ohio Valley. The shipping interests of New England and New York did the same for the South, whose millions of bales of cotton all went North or to Europe in eastern-made and eastern-owned vessels. And while these enterprising leaders sought to control the commerce of the country, they also knitted together their own towns and river valleys by canals and turnpikes."

Then it was that they laid the foundation of that complete control of the finances and the transportation of the country through which in later years the South Atlantic section was to suffer sorely and its ports to be cut off completely from foreign commerce, save in the products of its soil in the immediate vicinity of these ports and in the fertilizer materials necessary to grow its crops.

It was in 1828 that the locomotive appeared and the steam railway began to revolutionize land transportation. Men of vision here at once sensed the importance of promptly utilizing these new highways, and one of the earliest railroads constructed in the country ran from Charleston to the Savannah River opposite Augusta, 136 miles away, but there unfortunately it was halted for many years. Senator Robert Y. Hayne, who divided with Calhoun the political prestige of South Carolina at that time, conceived the idea of extending the road from Branchville to Columbia, both in this State, and thence through the Piedmont district of it through North Carolina into Tennessee and Kentucky, in order to connect up with that growing section and thus to establish a great trade artery between them and this port. As he himself expresses it:

WHERE PROFITS SHRANK

"The imports from Tennessee and Kentucky into South Carolina and Georgia amount to millions, but instead of their being paid for in foreign goods imported directly into Charleston and Savannah in exchange for our own cotton and rice we pay for them in gold or silver or in bills upon the North, thereby losing entirely the profit on the importation and thereby embarrass our merchants by the operation. Now, if we only had the means of transporting these goods by railway to the West everything would be changed. Not only would

we pay for western production consumed by the South in foreign goods received in exchange for our own produce, but we should be able to supply a large portion of the western country with all the goods now obtained by them from abroad, receiving in exchange their products to be distributed in southern ships through the world."

Unfortunately for Charleston, for South Carolina, and for the entire coast section this vision was never realized. Calhoun threw his influence for the construction of the road westward through Georgia. But while the people of North Carolina and Tennessee were clamoring for its construction to the Northwest, offering ample aid to that end, the people of Georgia never permitted a bridge to be built over the Savannah River at Augusta until 1853, over 20 years after the railroad reached its shores, and so Charleston never did acquire any trade route to and from the West.

In the meantime the East and Middle Atlantic States, as far south as Cape Hatteras, had been busy connecting up the interior of the country with their ports and their factories, which they were all the time expanding. A vast change now began to take place, the extent and consequences of which were not at all appreciated by the Southeast. This failure of the South Atlantic ports to establish any direct trade arteries into the Northwest accentuated the diverse interests of the two sections, and had the effect of concentrating the slaves into the southern section to a still greater degree and of confining the energies of its people more and more exclusively to agriculture.

Had this railway projected by Hayne been constructed at that time who can doubt that the cotton factories of the Piedmont sections of North and South Carolina would have been built many decades earlier than they were built and that the water powers of all that section would have been converted into use for manufacture of numerous kinds long before the Civil War; and who can say that this might not even have led to a peaceful solution of the vital problems which were driving the two sections further and further apart.

Now, it is not possible for you to understand why this section, so prosperous for a century and more—why ports on this coast, so alive with commerce up to 1860—have lagged behind the coast and ports to the north of us without some understanding of the consequences of the Civil War. And let me say that, despite the suffering and loss sustained by the South from that war, there is no regret here now over the result of it. No portion of the United States to-day is prouder of the Nation born of that struggle, of its achievements and its splendid ideals, and none is more ready and eager to contribute of its blood and treasure for the maintenance and perpetuation of these ideals than is this very section of it.

MAGNITUDE OF DISASTER

It is very difficult for those who were not in the South during the Civil War and for 10 years thereafter to realize the full extent of the disaster which overwhelmed her people. Not only were fields laid waste and thousands upon thousands of buildings destroyed, while the vast investments in slaves were wiped out of existence, but the political franchise, suddenly thrust upon these ignorant negroes without any preparation for it—without any understanding of its responsibilities—soon placed the government of the South in the hands of negro demagogues and of unscrupulous white carpetbaggers who invaded her territory solely for the purpose of plunder. During those 10 years the South was very naturally shunned by all save despoilers.

Capital studiously avoided her except for exploitation. Hundreds of thousands of her young men were driven into other parts of the country. But those who were left doggedly took up the task of extricating her from the hands of those who were literally strangling her of giving intelligent direction to the ignorant mass of negroes totally unaccustomed to self-control of rebuilding her industries and recultivating her fields; of educating her people, white and black; and out of her own shattered resources restoring her former prosperity.

The progress of the South since 1876, when the reconstruction era ended, has been almost incredible to those unfamiliar with the marvelous resources of the country and unacquainted with the indomitable spirit of her people who would not be denied their place in the Nation. Writers from all parts of the United States have told and retold that story in the daily press and magazines and I do not propose to repeat it here.

But in this wonderful progress Charleston and the other South Atlantic ports, until recently, have not shared to the extent which was naturally to be expected of them and the reason for this lies largely in the failure to realize Hayne's vision in 1832 and the consequences which naturally ensued.

HAMPERED BY VOTES

When the short railways of this section began to be grouped into systems, these systems were all found to run north and south along the coast—the Southern, the Atlantic Coast Line, and the Seaboard Air Line—while their control and management was dictated from the North. The East and West systems were all located above North Carolina. The rates to Atlantic ports north of Hatteras from all the country west of the Blue Ridge and Allegheny Mountains were practically the same, and to these rates the coastal systems above referred

to added their local rates into all the territory bordering the South Atlantic.

This rate structure completely shut out the ports on the South Atlantic from any participation in foreign commerce to and from the territory beyond their immediate environment and confined that commerce to the cotton, lumber, and naval stores at their doors for export, and to fertilizer materials to be used in their factories for import. Let me illustrate:

Cincinnati is 706 miles by rail from Charleston.

Cincinnati is 757 miles by rail from New York.

Cincinnati is 1,299 miles by rail from St. John, New Brunswick.

Cincinnati is 1,573 miles by rail from Halifax, Nova Scotia.

Before the World War the sixth-class rate from Cincinnati to these various ports was as follows:

To Charleston, 46 cents per 100 pounds.

To New York, 21½ cents per 100 pounds.

To St. John, New Brunswick, 21½ cents per 100 pounds.

To Halifax, Nova Scotia, 22½ cents per 100 pounds.

Here we find a rate of 46 cents per 100 pounds for a distance of 706 miles to one Atlantic port against a rate of 22½ cents per 100 pounds for a distance of 1,573 miles to another Atlantic port.

Now, the rail rates from the interior of the country to all the Pacific ports were and are practically the same, no matter what the distance; and in like manner the rail rates from the Middle West were and are practically alike to all the ports North of Hatteras even as far as Halifax—as we have seen in the above illustration—irrespective of distance, but the coast south of Hatteras and the ports located there were absolutely proscribed. For years these South Atlantic ports fought this outrageous discrimination without avail, until the World War brought it to the attention of the United States Government, when its War Department began shipping products from the Middle West to the port terminals at Charleston and would not countenance paying over twice the freight rate from Cincinnati to Charleston, a distance of 706 miles, as it was paying from Cincinnati to New York, a distance of 757 miles. And so it was that this coast for the first time was placed on a parity with the North Atlantic.

SOUTH ATLANTIC WINS

Subsequent to the war, when the railroads were turned back to their owners, an effort was made to restore the old injustice. All of the South Atlantic ports promptly joined in an effort to defeat that move. Each port contributed 25 of its leading citizens to a pilgrimage to the Middle West where the consequences to them in times of congestion at the Northern ports, and the general injustice to this coast, was explained in city after city—a splendid cooperative effort that bore fruit. The Interstate Commerce Commission refused the request and has continued to recognize the rights of the southeast Atlantic to an equal chance for its upbuilding. To-day we are enjoying the same rates to all these territories as our neighboring ports to the North and already the effect is marked upon this whole coastal section.

Several years ago a conference of the steamship owners and operators along the Atlantic and Gulf coasts of America was held for the purpose of agreeing upon ocean rates to Europe. Under the domination of the North Atlantic steamship companies, acquiesced in by the Shipping Board, a differential of 7½ cents for 100 pounds was placed against this coast, and 15 cents per 100 pounds against the Gulf coast. This, of course, made shipments from the interior via the South Atlantic and Gulf ports to Europe impracticable. In reply to vigorous protests, the difference in distance was cited as the justification, but it soon became apparent that this plea was untenable because the difference between the distance from Boston to Liverpool and the distance from Baltimore to Liverpool (430 miles), both enjoying the same rates, was very much greater than the difference between the distance from Baltimore to Liverpool and the distance from Charleston to Liverpool (135 miles), where 7½ cents were added to the ocean rate.

Moreover, all the North Atlantic ports were given equal rates to all portions of Europe, including the Mediterranean, irrespective of the difference in distances, and New York had the same rates to Havana as Savannah, although the distance in the latter case was less than one-half the distance in the former case. Now that injustice has also been rectified and the South Atlantic ports for the first time in a half century have a real opportunity of taking their proper place in the foreign commerce of the country. The increase in commerce through these ports in the last two years clearly forecasts the results which must follow in larger and larger measure; e. g., Charleston's foreign trade jumped from \$19,500,000 in 1922 to \$43,500,000 in 1925, and it is the same story with Savannah, Jacksonville, Wilmington, and Brunswick. In fact, the increase is even greater in some of them.

DEEP WATER AT CHARLESTON

In recent years the harbors along this coast have been deepened to meet the deepening drafts of vessels, and you will find that Charleston is now in a position to admit the largest and deepest draft freight vessels constructed and all but the largest of passenger liners; and

the other ports to the north and south of her are practically similarly situated.

In the matter of terminals, each port along this coast has made extraordinary efforts to furnish itself with the very best of facilities. A few years ago Charleston bought from the railways a large portion of her own water front and erected city terminals there with all modern appliances for handling materials economically and rapidly. Moreover, the Government during the World War erected port terminals on the Cooper River with a storage capacity of 1,500,000 square feet and a frontage of half a mile. The terminal warehouses are divided into compartments with fireproof walls and equipped with sprinklers throughout, giving the lowest of insurance rates. The railroads all turn into the port terminals before they reach the congested city district. The connection between the cars and the ships is made without delay, while the delivery from the one to the other is handled at an unusually small cost.

A southern banker told me several weeks ago that he had heard one of the leading business men of New York in an address before one of her commercial bodies predict that the competition which that port was going to feel most in the next two decades would come from the South Atlantic. You can now understand the reason why. And this opening up of new avenues of foreign trade through this coast is going to constitute an important factor in placing many of our industries in a better position to meet, as well as relieve congestion in foreign competition in foreign fields, northern ports at certain periods.

Santee Canal Project

There are many ports of the world where branches of factories on this coast would be enabled to deliver merchandise much cheaper than they can do at present. In fact, the opportunities in the field of industry in this section have become as inviting as those in foreign trade. The country in the vicinities of these ports, stretching back to the mountains, presents a most attractive field for the establishment of innumerable industries. The climate is mild and salubrious, the mortality rate being among the lowest in the whole United States. The cost of living is cheap in comparison with the more congested sections of the country. The opportunity for outdoor recreation is open all the year round, while improved roads now everywhere to be found in this territory add much to that opportunity. They also give to industry the facilities which in this day they must have to live and prosper.

Already the textile mill industry is centering in the Carolinas and north Georgia, and not altogether because of the proximity of the cotton field, for many of these mills bring in their cotton from fields hundreds of miles away, but because of the cheap water power, of the salubrious climate—winter and summer—and of the greater comforts and pleasures which may be secured by employees at a small cost. Living being cheaper, healthier, and more accessible to recreation, labor is content with less compensation because that compensation procures so much more for them.

Already over 50 per cent of the electrical energy produced in the South is derived from water-driven generators, and some of the largest water powers have yet to be developed and put into operation, such as the great water power at Muscle Shoals, now awaiting a lessee.

Several years ago an investigation was instituted into the practicability of securing a large water power at the very doors of Charleston. The Foundation Co., of New York, has recently reported a project for the development of a water power from the Santee River second only to that of Muscle Shoals, and at a cost far below the average cost of the water powers of the country, and the Government has just approved the plans necessary for its installation, i. e., impounding the waters of that river into a lake covering some 50,000 acres of land—principally swamps, I am glad to say.

Who would have dreamed a few years ago that the waters of the Santee could be impounded with a 75-foot fall and give us a great water power 20 miles from the port terminals on Cooper River? And yet that development is now, we understand, about to take place.

As I said in opening this address, I am speaking almost exclusively of Charleston and South Carolina because I am more familiar with that city and State, but the other cities on the South Atlantic have a similar story to tell both with respect to their ports and their magnificent back country. Each in its own way has been recently preparing for the tide of commerce and industry which is now rising and daily gathering strength and each is confidently facing the future.

SERVICES BY WATER

Already regular steamer services have been established from these ports to Europe, the West Indies, South America, the Pacific coast, and the Far East. It is only by regular sailings upon which exporters and importers can depend that commerce can grow to any proportions, and these are now being established to an ever-widening foreign field. It is always an uphill task to change the trend of traffic. No shipper wants to make a move from a service he has found reliable, even at the saving of some expense, to one upon the permanency of which any doubts are cast, and so it will take time and much advertising to establish complete confidence in these services, most of which are only of recent origin;

but the progress already made has been phenomenal and the final outcome can not be doubted.

It is most opportune that this convention, composed of the leaders of industry from all sections of these United States, seeking closer and more economic connection with foreign markets, should visit Charleston at this juncture, so that its members may see for themselves the wonderful opportunities which are opened up to them in this the last frontier in America; for by the Civil War, the era of negro domination and the rate of discrimination above described, this coast, which a century and a half ago, constituted one of the most inviting and progressive of the earliest frontiers in America, has for a half a century been almost obliterated from the view of leaders of industry as a land of opportunity. With the breaking down of these barriers it is again thrown open to American enterprise, and never was there a more inviting field to that enterprise in its westward march of progress to the Pacific than is now opened up on this return march to the South Atlantic.

For many years the climate and attractions of Florida were advertised with meager results. In spite of the magnificent hotels erected there to attract the winter tourists and the splendid trains put in the service, the progress was slow in comparison with Lower California. At last the attention of the country was caught and for three years the trek to Florida has surpassed that which followed the gold discoveries in California.

The boom in that State is said to be passing, but, however that may be, the most remarkable development in the history of the country has taken place there and the eyes of America have not only been opened to the glories of that State but to those of all this coastal section, and to the marvelous opportunities that lie here for both industry and commerce. The march of progress for half a century after the Civil War was everywhere heralded to be westward. It has now definitely turned back to the southeast—"the last of American frontiers"—and to-day the land of highest promise in all its vast and rich territory.

PUBLIC BUILDINGS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes.

Mr. FERNALD. Mr. President, I desire to say that for two weeks I have been giving away on every proposition to every Senator who might have anything to present. I feel that the time has now come for action on the public buildings bill. Beginning to-morrow at noon I shall endeavor to keep the bill before the Senate until final action is taken on it one way or another.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 5 minutes p. m.) took a recess until to-morrow, Saturday, May 1, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 30 (legislative day of April 29), 1926

APPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

Brig. Gen. John Joseph Garrity, Illinois National Guard, to be brigadier general, Reserve, from April 24, 1926.

APPOINTMENT IN THE REGULAR ARMY

CHAPLAINS

Rev. James Hugh O'Neill, of Montana, to be chaplain with the rank of first lieutenant, with rank from April 24, 1926.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

SIGNAL CORPS

First Lieut. William James Daw, Field Artillery, with rank from July 1, 1920.

PROMOTION IN THE REGULAR ARMY

TO BE MAJOR

Capt. Richard LeRoy Cave, Finance Department, from April 22, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 30 (legislative day of April 29), 1926

DIPLOMATIC AND CONSULAR SERVICE

TO BE SECRETARY

Willys R. Peck.
Paul R. Josselyn.
Eugene H. Dooman.

PROMOTIONS IN THE NAVY

TO BE COMMANDER

John F. McClain.

TO BE LIEUTENANTS

Kenneth C. Hawkins.

Frank H. Conant, 2d.

Tighman H. Bunch, jr.

Samuel Gregory.

Stanley J. Michael.

TO BE LIEUTENANTS (JUNIOR GRADE)

Omer A. Kneeland.

George D. Cooper.

John G. Mercer.

Daniel B. Candler, jr.

TO BE PASSED ASSISTANT PAYMASTER

Edwin A. Eddiegorde.

POSTMASTERS

GEORGIA

Vennie M. Jones, Lavonia.

MINNESOTA

G. Harriet Payne, Bertha.

NEW JERSEY

Eva H. Ketcham, Belvidere.

John Boyd, Greystone Park.

Peter A. Greiner, jr., Woodbridge.

WEST VIRGINIA

Jesse H. Petty, Gary.

Justus E. McCaskey, Paden City.

HOUSE OF REPRESENTATIVES

FRIDAY, April 30, 1926

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Gracious Lord and Master, do Thou give us grace and courage that our lives may approach Thine in charity and unselfishness. Lift us all to the high level where we may make new discoveries of Thy wisdom and truth. We would draw near to Thee and ask for that guidance that would inspire us with courage, patience, and dignity to meet the duties which are ours. Do Thou quicken every impulse of our breasts, that in all our intercourse with our fellows we may hallow Thy name and so fulfill the law of the prophets. Help us to heed these convictions and ideals until we come unto the stature of Him who came that we might have the more abundant life. In His name we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that at the conclusion of the special order to-day the House, as in Committee of the Whole, may consider unobjected bills on the Private Calendar, beginning at the point where we left off the last day on which the Private Calendar was considered.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that to-day, after the conclusion of the special order adopted by the House, it shall be in order to consider bills on the Private Calendar unobjected to in the House, as in Committee of the Whole, beginning at the star on the calendar. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I trust that that will be agreeable to all gentlemen. I understand that we are to have a day when contested bills will be considered. It strikes me that it will be all right to go along with the unobjected bills to-day.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT OVER

Mr. TILSON. Mr. Speaker, on account of important engagements by a number of the Members of the House to-morrow I ask unanimous consent that when the House adjourns to-day it adjourn to meet on next Monday.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next. Is there objection?

There was no objection.

FRENCH SPOILATION CLAIMS

The SPEAKER. Under the order of the House the Chair recognizes the gentleman from Texas [Mr. Box] for one hour.

Mr. BOX. Mr. Speaker and gentlemen of the House, there has been pending before Congress for many years a group of private claims called the French spoliation claims. They are pending in one branch of Congress now, and sooner or later

probably will be presented to this House. I doubt if there will be a favorable report on them by the Committee on Claims at this session, but they may come before the House. The amount involved is large and their disposition involves questions so important that I wish to have the attention of the House while I undertake to present some considerations bearing on what should be the attitude of the Committee on Claims and of the House toward these claims.

The printed matter pertaining to these claims would fill several large volumes. They and others controlled by the same considerations amount to millions of dollars. The transactions involved are interwoven with many years of naval, diplomatic, and legislative history, an understanding of which is necessary to a correct conclusion concerning the claims. A speaker with better powers of analysis and statement than mine would need several hours to properly present them. Having but a fraction of the needed time, I ask, in the interest of their proper consideration, that I be not interrupted until I shall have finished a general view of the questions involved.

ORIGIN AND HISTORY

It is not claimed that the United States committed the depredations or did the wrongs out of which these claims grew. They originated in spoiliations committed by France prior to the 30th day of September, 1800. Though the young Nation protested, at that time it was not able to prevent the depredations; nor was it strong enough to force the wrongdoers to pay for them. The youngest of the claims is more than 125 years old.

We have had many claims of various kinds against France, England, Spain, and other nations, including Germany. When the holders of such claims fail to collect them from foreign countries, they often find a pretext for trying to collect them from their own Government.

That was true of the claims against Spain. It is the case here now, and will almost certainly develop in connection with claims our nationals now have against Germany.

Great as are these claims in number and amount, and difficult as it is to give an accurate description applicable to all of them, they can, in a measure, be segregated from a still greater mass of French spoliation claims by remembering they are not the spoliation claims covered by our treaty of 1802 with France; nor are they the spoliation claims paid wholly or in part under our treaty with Spain in 1819, which grew out of the acts of France. Neither are they those wholly or in part paid under our treaty of 1831 with France.

These claims arose from alleged detentions, captures, condemnations, and confiscations committed by France prior to September 30, 1800. They are included in the act of January 20, 1885, making a kind of limited reference of certain unestablished French spoliation claims to the Court of Claims under a restriction reciting that the United States was not committing itself to their payment. That act contained, among other restrictions, the following:

Provided, That the provisions of this act shall not extend to such claims as were embraced in the convention between the United States and the French Republic concluded on the 30th day of April, 1803.

Nor to such claims growing out of the acts of France as were allowed and paid, in whole or in part, under the provisions of the treaty between the United States and Spain concluded on the 22d day of February, 1819.

Nor to such claims as were allowed, in whole or in part, under the provisions of the treaty between the United States and France concluded on the 4th day of July, 1831. * * *

They have become so old, because the Government has, in the face of insidious, powerful, and determined insistence, extending through more than a century and a quarter, never committed itself to their payment. In opposing them I unworthily represent the views which have prevailed with our Government for a century and a quarter. It is true that some like them were paid 20 or 30 years ago under amendments to bills put on in the last days of the sessions by the Senate and inserted in conference reports by Senate conferees, usually over the opposition of House conferees; but this was done after all the men who knew the facts concerning them had passed from the stage, the remote descendants of the claimants or their assignees had time to create much tradition, and three or four generations of statesmen had come to flounder with the uncertainties involved.

In the haze of this remote time, facts, uncertain and controverted from the first, have become more confused. Self-serving propaganda and tradition have caused much fiction to sound like fact and made to appear plausible what was originally so plainly wrong—that it was rejected by the generations of statesmen who, during 80 years, heard and denied the claims.

Since it is not pretended that the United States, or anyone in its service, or by its authority, committed the spoils complained of, it is plain that no moral or equitable obligation to pay them rests upon the Nation, unless it has in some way brought that obligation upon itself since the claims originated.

THEIR CONSIDERATION BY THE COURT OF CLAIMS

It is urged that since these demands have been referred to the Court of Claims for consideration, the question of their merit has been settled and the duty of the Government to pay them adjudicated; that by referring them to the Court of Claims the Government committed itself to their payment, if the report should advise favorably. If that contention is sound, those who resist their payment now and those who have refused payment for the last 40 years since they were referred to that court are and have been wrong.

They were referred in a restricted, noncommittal way to the Court of Claims 41 years ago, and yet these claims, and probably many others, remain unpaid. These, or some of them, were before this House 15 years ago, when the Committee on Claims determined against their validity and reported a committee amendment striking them from an omnibus claims bill in which the Senate had inserted them. After a thorough discussion in this House on February 18 and 19, 1911, on motion of Mr. Mann, of Illinois, carried by a vote of more than 2 to 1, the enacting clause was stricken from the bill on which the Senate had placed them. Hon. Claude Kitchin, the ranking minority member of the Committee on Claims, and Hon. James R. Mann, majority leader, led in the opposition to their payment. Neither they nor the House felt bound by the advisory report of the Court of Claims.

The act of January 20, 1885, referring them to the Court of Claims made that court as to them a kind of special master, whose report was to be only advisory for Congress. They were not examined under that court's general jurisdiction. This House has repeatedly refused to recognize the validity of these claims since then.

Discussing this class of claims the Supreme Court of the District of Columbia in *Gardner v. Clarke* (20 D. C. Rep. (9 Mackey, 267)) said:

Congress submitted these claims to the Court of Claims for its advice as to the law and the facts, but expressly reserved the right to follow or disregard the court's advice as they might think proper. And that Congress declined to follow the advice of the court, to its full extent, is perfectly apparent.

During all of the last 20 years the Government has refused to pay them, just as it rejected them during the 90 years up to when President Arthur became the first President to recommend their payment.

Eleven years after their reference, President Cleveland vetoed a bunch of them, which had been submitted and reported favorably in the same manner, thereby showing that he did not feel bound by the court's recommendation, and Congress refused to pass them over his veto. As a result of efforts made at hundreds of sessions since their origin, and scores of sessions since their reference, four bills providing for some of them were attached to other bills by the Senate and skidded through the House in the congestion and confusion of the closing days and hours of sessions, when consideration of them was impossible. This was done March 3, 1891, March 1, 1899, May 20, 1902, and February 24, 1905. Three of these acts, as well as the act of limited reference in 1885, were passed by hold-over sessions of the House, that is, the sessions held after the general election and in the expiring days of Congress. In none of these cases was there any fair opportunity for the House to pass on the merits of them. In all of the other several instances, when the House acted after their reference having a chance to review them, it refused to approve the advisory findings of the Court of Claims. Therefore, when we treat them, not as judgments but as open for full consideration on their merits, we are only doing what has usually been done by the House when it had a chance to know what it was doing.

The very terms of the act of reference stipulate that the reports should be only advisory.

The Court of Claims and the Supreme Court have both so held. The language of Chief Justice Fuller in speaking of them is:

These advisory conclusions having been reported to Congress—

And so forth.

The Court of Claims said in the case of the ship *Concord* (27 Cls. Rept. 142):

The reports in spoliation cases are not judgments and are to be taken as merely advisory.

In the case of *Blagge v. Balch* (162 U. S. 439) the unanimous opinion of the Supreme Court, expressed by Chief Justice Fuller, declares that—

The claims were allowed to be brought before the Court of Claims, but that court was not permitted to go to judgment. (162 U. S. 457, 40 L. Ed. p. 1016.)

The same thing has been held by other courts. See *Gardner v. Clarke* (9 Mackey (20 D. C. Rep.), p. 266 (middle), p. 269 (near top)).

Under the general jurisdiction of the Court of Claims the United States always has, and the claimants in many cases have, a right of appeal to the Supreme Court. (Sec. 107, Rev. Stat.) No right of appeal to the Supreme Court was given in these cases. Appeal is to Congress, and Congress is now considering the question upon its merits throughout, just as contemplated by the limited act of reference.

In the Gray case, the first and leading case before it, the Court of Claims said:

So peculiar a jurisdiction was probably never before conferred upon a strictly judicial tribunal. (Gray, administrator, v. U. S., French Spoliation Opinions (p. 27).)

The court in that case declared:

That the defendants, as well as the claimants, have reserved to them an appeal not in regular line of judicial procedure to the Supreme Court of the United States, but back again to that body—

Meaning Congress.

That the advisory reports made by the Court of Claims are not binding upon Congress is shown by its action for the last 20 years, during which it has declined to pay them, and by the action of President Cleveland in 1896 in vetoing an appropriation bill on which they had been attached near the end of the session. The same is shown by the statement of the Supreme Court that the reports are merely advisory, and by the statements of that court and the Court of Claims that these findings are not judgments, the declaration of the Court of Claims that the appeal lies to Congress rather than to the Supreme Court, where appeals from that court usually go, and its declaration that such an arrangement is peculiar. The language of the act of reference makes this plain, saying:

Such findings and report of the court shall be taken to be merely advisory as to the law and facts found and shall not conclude either the claimant or Congress * * * and nothing in this act shall be construed as committing the United States to the payment of any such claims.

Nothing could more explicitly state that the United States was not to be bound by the report of the Court of Claims. It was contemplated and carefully stated that it was making no commitment to pay them. The whole question as to the existence of an obligation of the United States to pay them is open to Congress. This makes it our duty to examine them.

HAS THE UNITED STATES COLLECTED OR HELD ANY MONEY FOR CLAIMANTS OF THIS CLASS

It has been blandly asserted that the United States, having collected from France money with which to settle these claims, has refused to settle them. There is no foundation for that statement; and though I have read of the discussion of these claims covering a period of 100 years, more or less, I do not remember to have ever seen it in print or in reports, arguments, or the CONGRESSIONAL RECORD until recently. I repeat that it is incorrect.

Payments were made out of the purchase price of Louisiana under the treaty of 1803, but claims dealt with in that treaty are expressly excluded from the claims now being dealt with by the act of January 20, 1885, undertaking to segregate these claims for the purpose of dealing with them. Moreover, all of the \$3,750,000 out of the purchase price of Louisiana which the United States retained to be applied to claims of American citizens against France, except a trifling remnant of some \$11,000, or less than three-tenths of 1 per cent of it, was paid out to claimants. See the History of the Public Debt Report of the Tenth Census, 1880, dealing with the public debt of the United States, pages 83 and 84.

The next batch of French spoliation claims for which collection was made amounted to some \$5,000,000. Spain had participated with France in these spoliations to such an extent that the United States held her responsible for damages in that amount and collected that sum as the purchase price of Florida. None of the claims now in question were covered by the Florida purchase treaty, which is shown by the clause in the act of January 20, 1885, expressly so declaring. Moreover, the funds made available by that transaction were paid to claimants

whose rights had first been determined by a commission set up for the purpose.

Claimants received 91½ per cent of the principal of their claims, interest excluded, because the money would go no further. (See American State Papers, Foreign Relations, pp. 798 and 799.) That adjudication and settlement barred all further demand on those claims. (1 Peters p. 212.)

Mr. GARBER. Those amounts were assumed as voluntary contracts, were they not?

Mr. BOX. Yes; those amounts were and have been distributed.

When we come to the spoliations treaty between the United States and France, concluded on the 4th day of July, 1831, we find that that settlement was made for a group of claims from which these are excluded as expressly provided in the act of January 20, 1885. These claims were adjudicated by a commission set up under the act of July 13, 1832, which created the commission for the purpose, appropriated for them and ordered payment made. (See 4 U. S. Stat. L. pp. 474-475, secs. 6 and 7.)

These three sets of claims thus far discussed are all excluded under the act of January 20, 1885, from the claims now being considered, and all the money, unless it be some utterly insignificant dribbles of remnants, made available by these treaties, has been distributed by the United States Government, as in decency and good faith it would, of course, have done.

The only class of French spoliation claims outside of these three groups thus described are those of the class now being dealt with. They are the ones described in the act of 1885 and which I tried to describe at the beginning of my statement.

In all of the history of the country extending from our Declaration of Independence for a period of 75 years there were only these four groups—the three mentioned in the three treaties to which I have referred, and this group not covered by these treaties, excluded from them and described in the act of January 20, 1885. But there have been no payments or provisions made for claims by France outside of the three treaties mentioned. Therefore, there have been none for this group of claims.

In dealing with the same class of French spoliation claims with which we are dealing now, the Supreme Court of the District of Columbia, in 9 Mackey (20 D. C. Reports) page 267, said:

The United States did not receive any money to be applied to these claims of its injured citizens and did not stipulate, as in the treaty with Spain, to assume and pay the claims. * * *

This recital that the United States neither made a collection on this particular group of claims nor assumed to pay them is correct. It will be verified by any competent inquirer who takes upon himself the labor to wade through the vast literature of the history of these transactions and learn the truth.

HAVE THEY A RIGHT TO PAYMENT ON ANY OTHER GROUND?

As the spoliations were committed by France in spite of the protest of our Government, those who urge Congress to pay them have the burden of showing that the United States has taken that obligation upon itself. In all that I have heard and read, pro and con, only four grounds have been mentioned as bases for a claim of national liability for this damage. One is that the United States has collected the money and dishonestly withheld it. This I have shown to be untrue. Another is approvingly quoted by the Court of Claims in the Gray case cited above, which cited a British House of Lords' opinion, in which it is said:

That if the subject of a country is spoliated by a foreign government, he is entitled to redress through the means of his own government. But if from weakness, timidity, or any other cause on the part of his own government no redress is obtained from the foreign one, then he has a claim against his own country. (De Bode v. The Queen, 3 Clark's House of Lords, p. 464.)

This is not the only ground, nor does it appear to be the principal one relied upon, but this proposition is often cited in support of these demands. It is that the mere failure of a government to collect just claims of its nationals against a foreign government makes it liable for the claims. That would make the United States owe these claims because it did not compel France to pay them. If this doctrine is accepted by Congress, the United States must pay all just claims of its nationals against other countries where it fails to make the foreign governments pay them. That would make the Nation liable on all just claims by our oil companies and other nationals against Mexico unless we compel Mexico to pay them.

If a country repudiated its obligations or destroyed its government as Russia did, the United States would be liable on all claims of its nationals against such a government. Under this doctrine, where a country violated the peace of the world

and overwhelmed itself with just indemnities, as Germany did, the United States would either have to collect them regardless of the disturbance of world peace and like consequences, or be itself bound to pay them.

Here let me remark that in my judgment preparations are now being made for the ultimate presentation of claims against Germany for spoliation committed against American nationals before the war.

If often happens that a nation becomes involved in internal and external disturbances for a long period, like France had from 1775 to 1815, during which it would have an accumulation of indemnity claims which it could not pay. France pleaded that very defense against some of our demands such as these. Germany created enough indemnity demands against her to make their payment impossible. Does a little country like Belgium, which can not force payment, or a new and comparatively weak one, like the United States was during the first 25 years of its career, become liable for any or all the outrageous wrongs committed against its commerce by its inability to prevent them or to compel compensation for them?

This proposition is unsound, because it would lay upon weaker countries damages done by other stronger ones to its nationals. It is a dangerous doctrine for this House to seem to tolerate now, because it would pave the way for a demand that we pay for Germany's injuries to American nationals, including insurance companies, whose risk and liabilities were increased by German depredations. The property of German nationals is held by our Alien Property Custodian. If we should conclude to surrender that property to German nationals, notwithstanding the treaty under which it is held, our successors here will be troubled by these German claims, amounting to hundreds of millions of dollars, for the next century and a quarter.

Feeling sure that this House will not accept liability for these claims on this ground, I pass to other grounds urged in their favor.

When these claims were before the Senate Committee on Claims in 1924 it was stated—

We in the treaty of 1800 arrived at this conclusion, that the United States would relieve France of her obligations to our citizens; in other words, that we would take those obligations to our citizens upon our own shoulders. (Senate hearings, 1924, p. 2.)

This was repeated inferentially in the statement that the claims—

• • • had been assumed by the United States Government, which agreed to pay it. (Senate hearings, 1924, p. 5.)

The gentleman from Oregon [Mr. HAWLEY] recently made the same statement on this floor.

These and many similar things indicating that the United States had entered into some treaty obligation to discharge these claims have been said by the advocates of their payment, but the United States made no such agreement.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. BOX. I would like to yield to the gentleman, but I will ask him to excuse me. I shall be glad to yield later on if I have the time.

The United States did agree with Spain in 1819 to apply certain moneys which it was paying to Spain for Florida to the satisfaction of some of Spain's obligations to our citizens on account of French spoliations. It agreed with France in 1803 to apply some of the money which France was receiving for Louisiana to the payment of certain French spoliation claims held by our citizens, but the United States entered into no treaty stipulation for the payment of any of the claims now before us. It is difficult to argue a negative proposition, but if some gentleman will find and present to me or to the House a treaty stipulation obligating the United States to pay any of the claims of this class, I will withdraw my opposition and enter in the RECORD a confession of my error.

I do not know how, in such an event, I would account for the fact that during all of the first 85 years following the treaty of 1800 none of our illustrious Presidents, all of whom—especially all of the earlier ones—knew all those conditions and knew what our treaties were concerning them, but nevertheless failed to recommend to Congress the making of appropriations and other provisions for the payment of these claims. It would be, in fact, an outstanding, regrettable national repudiation of an obligation under conditions which have many times permitted payment. It would be a dishonorable and deeply humiliating blot on the records of a long line of great men, including many of our best, and on the Government during a period of more than 80 years, if such a treaty has existed and has been disregarded to the injury of our citizens. There was and is no such treaty stipulation.

The only argument for the payment of these claims worthy of consideration is that an obligation is raised by implication from what was done. An implied obligation is just as much a legal obligation as a written one. It is just as binding in courts and upon the consciences of honorable men. If there is a reasonably, plainly implied obligation to pay these claims, it should bind us, because an implied obligation rests as much upon right as any written agreement.

Before discussing the grounds on which men have sought to base an obligation, I want to read what the Supreme Court of the United States, to which no appeal of these cases was permitted, has said about them in a case which went before it in a totally different proceeding, but in which they found it necessary to consider the foundation of these claims, because some of the funds then in litigation were involved in questions depending on the grounds of these claims. Chief Justice Fuller, speaking for the whole court in *Blagge v. Balch* (162 U. S. p. 457), said:

It is important in arriving at a conclusion [on the question then before the court] to refer to the view taken by Congress in respect of the ground of the appropriations as indicated by its action.

Notwithstanding repeated attempts at legislation, acts in two instances being defeated by the interposition of a veto, no bill had become a law during more than 80 years which recognized an obligation to indemnify arising out of the treaty of 1800, and the history of the controversy shows that there was a difference of opinion as to the effect of that treaty. • • • Under the act of January 20, 1885, the claims were allowed to be brought before the Court of Claims, but the court was not permitted to go to judgment. The legislative department reserved the final determination in regard to them itself, and carefully guarded against any commitment of the United States to their payment. And by the act of March 3, 1891, a payment was only to be made according to the proviso. We think that payments thus prescribed to be made were purposely brought within the category of payments by way of gratuity, payments as of grace and not of right.

If our treaty of 1800 created an implied obligation on the United States to pay these claims, it was a matter of right; in such event the claimants had a right to payment, but the Supreme Court unanimously held that they had no such right.

But let us look at the facts on which it is attempted to base this implied obligation. The time at my disposal will permit but a brief view.

The treaty with France of September 30, 1800, ratified and proclaimed December 21, 1801, is the only one about which there can be any controversy. We had treaties with France made in 1778 which France claimed we had broken. That nation had conducted a war against our Navy and commerce against which we interposed a defensive war, in which we made many captures of French vessels and other property. The United States had claims against France on its own national account and on account of its citizens. France had the same two classes of claims against the United States. Diplomatic relations between the two countries had been severed. Congress, with the approval of the President, canceled our treaties with France and authorized war on the French Navy and commerce. (Acts July 7 and 9, 1798.) It began the organization of an army and made General Washington lieutenant general and commander in chief. In speaking of one of these measures, Edward Livingston, who opposed it, said:

Let no man flatter himself that the vote which has been given is not a declaration of war. Gentlemen know that this is the case. (Gray case, p. 44.)

There was mutual war between the two nations, involving the navies and maritime commerce of both. That war arose over such spoliations as these and resulted in more spoliations. The convention between the two after such war obliterated all claims not provided for or reserved in the settlement or revived by subsequent agreement.

General Washington, in accepting a commission as lieutenant general and commander in chief of the American armies being organized for this very war between France and the United States, in a letter to President Adams, under date of July 17, 1798, a few days after Mr. Livingston had used the language quoted above, speaking of the conduct of France, said:

• • • Their disregard of solemn treaties and the law of nations; their war upon our defenseless commerce; their treatment of our ministers of peace; and their demands, amounting to tribute, could not fail to excite in me corresponding sentiments, etc.

In an official opinion rendered August 21, 1798, Attorney General Charles Lee said:

Having taken into consideration the act of the French Republic relative to the United States and the laws of Congress passed at the

last session, it is my opinion that there exists not only an actual maritime war between France and the United States, but a maritime war authorized by both nations. Consequently France is our enemy; and to aid, assist, and abet that nation in her maritime warfare will be treason in a citizen or any other person within the United States not commissioned under France. (1 Opinions Attorney General, p. 84.)

The Supreme Court of the United States, in *Bas v. Tingy* (4 Dallas p. 37), followed by many other cases, held that during the period in question there was such a state of war between France and the United States as entitled Tingy, commander of the armed ship *Ganges*, to libel the American ship *Eliza*, commanded by Bas, for salvage after the *Eliza* had been captured by the French and later recaptured by the *Ganges*. His right to such salvage depended on the existence of such a state of war between France and the United States as authorized France to capture the *Eliza*, and therefore authorized the commander of another American vessel to recapture her from France and claim compensation from the American owners thereof. The Supreme Court decided this proposition in the affirmative. These seem to be explicit decisions by the Supreme Court of the United States that there was such a war between the United States and France as was unlimited on the seas and invoked the laws of sea warfare.

When I first began the investigation of these claims I wondered why those who contrived the acts of the last days of the last session of the Forty-eighth Congress and of the Arthur administration denied the Supreme Court appellate jurisdiction to review these findings. I am now compelled to adopt the view that two things probably entered into it:

First. Those who were unwilling to commit the Government to the payment of these claims, being careful to avoid such commitment, avoided the appearance of the degree of obligation which a judgment of the Supreme Court might seem to impose.

Second. Those who were seeking to collect these demands and were contriving the act of 1885 with a view to procuring its passage and perchance collecting the claims did not want the cases to go to the Supreme Court of the United States, because the Court of Claims would have to decide the question as to whether or not there was a war between the United States and France, and the opinion of the Supreme Court of the United States, in harmony with the opinion of the Attorney General and with the declaration of General Washington and that of Mr. Livingston, lay across the path of those who were trying to pilot these claimants to the Treasury.

John Bassett Moore, in his work on International Law, volume 6, page 1009, says:

It is generally laid down by publicists that claims which form the ground or cause of war perish with it unless they are provided for in the treaty of peace.

President Polk, in a message dealing with claims of our citizens against Mexico, said:

A state of war abrogates treaties previously existing between the belligerents, and a treaty of peace puts an end to all claims for indemnity for tortious acts committed under the authority of one government against the citizens or subjects of another unless they are provided for in its stipulations.

Secretary Day, concerning a claim for certain land against Canada or England, said:

A failure to insert it in a stipulation preserving such claims had the effect of rendering them inadmissible as subjects of further diplomatic acts.

Whichever view we take as to whether the situation existing between the United States and France during this period did or did not constitute war, we must see that the question whether there was such a war raised a controversy which seriously embarrassed our ministers to France and our Government in its efforts to collect these indemnities.

Another insuperable difficulty which confronted the American negotiators with France in their efforts to collect these claims was the fact that many, if not all, the claimants had failed to prosecute their claims through the tribunals of France to the court of last resort. The rule requiring that is stated in Wharton's International Law, volume 2, page 676, in the following language:

But it may be safely asserted that this responsibility can only arise in a proceeding when the foreigner, being duly notified, shall have made a full and bona fide though unavailing defense and, if necessary, shall have carried his case to the tribunal of last resort. If, after having made such appeal, he shall have been unable to obtain justice, then, and then only, can demand be, with propriety, made upon the Government.

John Bassett Moore states the same proposition, saying:

A citizen of the United States residing in Canada, whose property there situate has been destroyed and pillaged by British troops, must first seek redress from the tribunals of the country under whose laws he would settle, and until this remedy has been exhausted he is not entitled to intervention of the Department of State. (Moore's Int. Law, vol. 6, p. 658.)

Both these high authorities sustain this proposition by quoting many statements by American Secretaries of State, showing that we have, since the beginning of the Nation's history, applied that rule and recognized its application by other nations. There are exceptions to it where the countries and their governments are backward, or the courts are incompetent or corrupt, but, of course, there was no chance to get France to waive this rule on the ground that she was unenlightened or her courts unreliable. I have been able to think of no means by which our ministers to France, seeking to collect these claims, could have overcome this single difficulty.

Article 4 of the treaty negotiated in 1803 by which France ceded us Louisiana and agreed that 20,000,000 francs of the price might be applied on the claims of our citizens, contained the following provision:

It is expressly agreed that the preceding articles shall comprehend no debts but such as are due to citizens of the United States, who have been and are yet creditors of France, for supplies, for embargoes, and prizes made at sea, in which the appeal has been properly lodged within the time mentioned in the said convention, eighth Vendemiaire, ninth year (September 30, 1800). (Treaties and Conventions, etc., Malloy, vol. 1, p. 514.)

This declaration of Mr. Livingston, of General Washington, and many similar declarations—the official opinion of the Attorney General and the decisions of the Supreme Court of the United States, that a state of war existed, if not accepted as conclusive of that fact, do show a serious controversy as to whether or not such a state of war existed and whether a treaty of peace such as was made between France and us in 1800 did not settle all these claims, except such as were reserved under it or revived by subsequent agreement, not as a matter of bargaining, but by the operation of international law upon a state of facts which the United States could not avoid.

Then, in addition to that, is the question just pointed out, arising from the failure of the claimants to prosecute their cases to the highest courts of France. These embarrassments, coupled with the weakness of our country under the conditions then prevailing, brought our negotiators and those of France to a standstill, and made it impossible for our Government to collect the claims. It tried faithfully and with persistence to collect them and failed as to these.

I have been unable to find anything to indicate that the United States ministers bargained away the claims of its citizens in consideration of the release of the United States from certain claims which France had against her as a nation. If they did that, they violated the instructions given by Secretary of State Pickens, approved by President John Adams, on their departure to France for the purpose of negotiating this treaty. I read from those instructions:

At the opening of the negotiation you will inform the French ministers that the United States expect from France as an indispensable condition of the treaty a stipulation to make the citizens of the United States full compensation for all losses and damages which they shall have sustained by reason of irregular or illegal captures or condemnation of their vessels and other property under color of authority or commissions from the French Republic or its agents. (2 Foreign Relations, pt. 2, p. 302.)

The only instructions pertaining to the mutual cancellation and waiving of claims is in the following language:

If, however, the French Government should desire to waive its national claims, you may do the like on the part of the United States. Doubtless the claims of the latter would exceed those of the former; but to avoid multiplying subjects of dispute and because national claims may probably be less definite than those of individuals, and consequently more difficult to adjust, national claims may on both sides be relinquished. (2 State Papers, pp. 301-302.)

In the printed copy of these instructions, contained in volume 2 of American State Papers (Foreign Relations, pt. 2), the words "national" and "individuals," wherever they appear, are in italics, showing the original underscoring of the words, and that it was intended that our ministers should differentiate between national claims and the claims of citizens.

The advocates of these claims in trying to show a bargain between the two countries by which we surrendered the claims of our citizens in consideration of France surrendering its claim against us as a Nation overlook the fact that the United States had a claim against France as a nation which President Adams said to our ministers in the above instructions was greater than France's claim against us. The surrender of that national claim in cancellation of France's national claim against us would have been a sufficient consideration, carrying no obligation to pay these private claims.

Moreover, to say that we recognize that France had a claim against us as a Nation and that we paid it by surrendering the claims of our citizens would place upon the United States a deep stain of dishonor. The basis of France's claim against us was that we had repudiated our national obligation under the treaty of 1778. France was seeking to hold us liable in damages on the claim that we had treated our convention as a scrap of paper. The United States has never admitted that. We, the remote grandsons of the fathers, may now confess that dishonor on them, but they never did it. To have paid it would have been a confession of it. To have paid it in consideration of the cancellation of the claims of our citizens would have been to confess our failure to keep our obligations to France, and to betray our citizens by selling their property to settle a debt brought upon this Nation by dishonor. You have to conclude that we owed damages for treaty breaking in order to create the fiction of a consideration received by the United States in return for the surrender of its citizens' claims. I am unwilling to confess that dishonor. I am unwilling to confess the further dishonor which would result from its existence and the failure of any President for 85 years thereafter to recommend the settlement of these claims. All the earlier ones knew the facts intimately and could not honorably have ignored such an obligation if it existed.

To admit its existence now is to admit dishonorable action by the Nation in the first instance, aggravated by a willful failure by the Presidents and by the Government, who knew of it, to repair the shameful injustice done.

Such an injustice would have been willful. In two of President Jefferson's messages, written within 10 years after the treaty of 1800, he mentions a prospective surplus in the Treasury of the United States.

So large a Treasury surplus did accumulate during the administration of President Jackson that it was distributed among the States. These abundances of money in the National Treasury developed while such leaders as Jefferson, Monroe, and John Quincy Adams participated actively in national affairs.

The American ministers to France not only were without authority to bargain away the claims of citizens but they did not undertake to do so.

Article 2 of the treaty of September 30, 1800, contains the following:

The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of February 6, 1778, the treaty of amity and commerce of the same date, and the convention of November 14, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time, and until they may have agreed upon these points the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows. (Art. 2, Treaties and Conventions, vol. 1, p. 497.)

This merely recited the fact that the parties could not agree about certain classes of indemnities, including these. Thereafter the Senate amended the treaty by striking out this article and inserting one in its place, making the life of the treaty eight years. There was no bargain or evidence of bargaining away American claims in that amendment. The American ministers would not confess liability for damages for treaty breaking and France would not confess liability on claims of this class, and that was all there was to it. When Napoleon, in his own presumptuous, rough-shod manner, ratified the treaty thus amended, he made the following notation upon it:

Provided, That by this retrenchment the two states renounce the respective pretensions, which are the object of the said article. (Treaties and Conventions, vol. 1, p. 505.)

This does not indicate that American claims were bargained away. The article making the treaty run for eight years remained in it. That with Napoleon's notation does indicate that these demands should not be pressed during the eight years during which the treaty should run. France, being unable to collect indemnities from the United States and the United States unable to collect any of this class from France, neither one was to press them during that period.

The United States had failed to compel payment for this class of spoiliations, or for national damages claimed of France, and France had failed to collect her claims against the United States, but there was no indication of an offset. Can it be contended that because France did not succeed in compelling the United States to pay the damages France claimed on account of alleged treaty breaking, the United States became obligated to pay our citizens the damages done by France?

The construction placed on this treaty by those concerned at the time of its negotiation is almost, if not quite, as enlightening as the instructions under which it was negotiated. The treaty was made during President Adams's administration and finally submitted to the Senate for ratification by his successor and political antagonist, President Jefferson. There was no such political association between these gentlemen as would have tempted President Jefferson to have been unduly liberal and favorable in stating the effect of the treaty made by his predecessor and political opponent. President Jefferson's first message to Congress, on December 8, 1801, at the beginning of the session, a few days before the Senate received and finally passed upon this treaty, gave the presidential view of its effect in the following language:

A cessation of irregularities which had afflicted the commerce of neutral nations, and of the irregularities and injuries produced by them, can not but add to this confidence and strengthen at the same time the hopes that wrongs committed on unoffending friends, under a pressure of circumstances, will now be reviewed with candor, and will be considered as founding just claims of retribution for the past and new assurances for the future.

This language does not name this particular treaty, but this was the only treaty to which it could have referred. It refers to the settlement of which this treaty was a leading part.

You will see that President Jefferson, who had considered the treaty and submitted it to the Senate, held the view that the—

wrongs committed—

would—

now be reviewed with candor and . . . be considered as founding just claims of retribution for the past.

Instead of an abandonment of private claims and foreclosure of their discussion, he understood it as opening the way for "retribution."

In simple truth the treaty of 1800, ratified finally in 1801, contained no bargain for the surrender of our citizens' claims in consideration for the renunciation of France's national claims. It had merely stated the inability of the parties to agree. The Senate had eliminated that statement and made the treaty to run for eight years, without mentioning the agreement or settling it, and leaving it open for future negotiations unless the fact of war had concluded it except as to claims revived by subsequent agreement.

Napoleon in his own presumptuous manner denounced the claims of both countries as "pretensions." Whatever that treaty did was in force for only eight years, and Jefferson's hope that peace would pave the way for negotiations and retribution was well founded, for claims against France continued to be pressed thereafter.

French spoliation claims arising before September 30, 1800, and claims arising immediately thereafter, and others arising under Napoleon's Berlin decree, and others like it, and claims of every class piled up continuously to an enormous amount.

Many were settled under the treaty of 1803 concluded within 16 months after Jefferson's message quoted above. Many other claims on account of French spoiliations were settled under the treaty with Spain of 1819, by which we purchased Florida. Under the treaty of 1803 we purchased Louisiana and insisted on having some 20,000,000 francs, or \$3,750,000, of the price paid on claims held by our citizens. Under the treaty of 1819 with Spain, which was the result of some 20 years' negotiations in efforts to collect French spoliation claims of the same period as these, we purchased Florida and insisted on having some 25,000,000 francs, the price of Florida, applied on the payment of French spoliation claims for which we held Spain liable jointly with France, because she had permitted her nationals, ports, and tribunals to be used in cooperation with France in the commission of the spoiliations.

Still the United States continued to press France for the payment of spoliation claims. The two countries came to a rupture of diplomatic relations during President Jackson's administration over such demands made by us, and in 1831 France made another treaty providing for the payment of 20,000,000 francs on American claims. All of the money which France and Spain paid under these treaties for the benefit of our nationals was, of course, promptly paid to our citizens, and if there had been

either a written or an implied obligation to pay these claims, they, too, would have long ago been paid.

During this long period France had been in the midst of several wars and made several changes of government. She had dethroned her old kings, gone through the French Revolution, with its reign of terror, then had the rule of the Directory, after which came Napoleon's career and years of war, which were immediately followed by the reestablishment of the old line of French kings.

The representatives of France pleaded that their government was unable to pay such a volume of claims, and was not rightfully chargeable with what preceding governments had done.

Albert Gallatin, our minister to Paris in 1816, wrote to Mr. Monroe, then Secretary of State, that Richelieu, in behalf of France, had said to him:

That it was absolutely impossible for the present government of France to make compensation for the whole mass of injustice done by the former governments; that the whole territory, if sold, would not suffice for that object. (Writings, Albert Gallatin, vol. 2, p. 15.)

But during all this disturbed period until 1831 the United States was still pressing for the settlement of claims. Growing stronger as the years passed, it collected yet more of them. Our Government in those days of comparative weakness collected every just claim it was possible to collect. No sound principle of law, of justice, or duty made the United States liable to these claimants merely because she failed to collect all of them from France. Our Government entered into no treaty stipulation to pay them. No implied obligation to pay them is shown. The record sustains all of these propositions.

The fact that they were not long ago paid by the worthy and capable men who directed the Government during that and several succeeding generations creates a compelling presumption against them.

These men had their attention called to these claims. They knew the affairs of the Nation in their time; believed in keeping the public faith, preserving the public credit, and protecting the rights of their people. They were neither inattentive, uninformed, or dishonest. These claimants now ask us to correct alleged wrongs which could have been perpetrated only through the neglect, ignorance, or dishonesty of the founders and all their noble successors, including our splendid predecessors who have refused to pay them for 125 years.

Among those who led in the prevailing opposition to these measures during recent years were Hon. Claude Kitchin, Hon. J. R. Mann, and Hon. Joseph G. Cannon. Mr. Mann made the motion to strike out the enacting clause of the bill which carried them, which the House did on February 19, 1911. Uncle Joe Cannon said of them once during recent years:

I have from Congress to Congress, with what little power I have, opposed these claims. I believed then and believe now they ought never to have been paid.

Though, as a member of the conference committee, he supported a conference report in which the Senate had inserted some of them. The House has rejected them again and again, even after they were passed on, in this specially provided and protected way, by the Court of Claims.

Among the Texans who led in the opposition to them were Hon. S. W. T. Lanham, father of our colleague, FRITZ G. LANHAM, and long a distinguished Member of this House, a member of the Committee on Claims and later Governor of Texas. They were vigorously opposed by Hon. John H. Reagan, long a leading Member of this House and a Member of the Senate from Texas.

THE FATHERS REJECTED THEM

John Adams, who was President when the treaty of 1800 was made, knew our foreign affairs, was from New England, whence most of these ships went; but he called nobody's attention to the obligation which these claimants assert.

Thomas Jefferson was our representative at Paris, Secretary of State under Washington. President when the treaty of 1800 was finally accepted and proclaimed, and in 1803 when a treaty with France, dealing largely with claims against France, was made and ratified. He, like his predecessors, failed to recognize any obligation such as is claimed here.

James Madison was Secretary of State under Jefferson, had intimate familiarity with all these matters, and was President for eight years next after Jefferson. The theory on which these claims are pressed is that he, too, was indifferent or obtuse, or dishonest; for he failed to remind Congress of any such obligation as the interest of these claimants causes them to assert. The House voted 21 for and 48 against claims of this class during Jefferson's administration. (RECORD, February 26, 1802, p. 604.)

Monroe was one of our representatives at Paris when the treaty of 1803, dealing largely with French spoliation claims, was made. He was Secretary of State under Madison and was President for eight years, extending from 1817 to 1825. Only neglect, or ignorance, or dishonesty could have prompted him to ignore such an obligation, if any existed such as these claimants in their own interest now pretend. During Monroe's administration the House voted 4 for and 41 against claims of this class. (RECORD, January 10, 1823, p. 104.) In the "era of good feeling" which Monroe's administration inaugurated, an influential President such as he was, if he had favored these claims, could certainly have influenced more than four Members to vote for them. This is almost as significant as his failure to recommend their payment in any message.

John Quincy Adams was with his father, John Adams, when the treaties of 1778 were being negotiated. He was assistant secretary to the American mission to Paris when our treaty of peace was made there in 1783. He was in our Foreign Service much of the time thereafter; was in the Senate in 1803 when Jefferson's treaty providing for the purchase of Louisiana and the settlement of many spoliation claims was ratified. He was Secretary of State under Monroe, and then was President for four years, from 1825 to 1829. A man of method, well acquainted with all our foreign affairs, scrupulous in matters of obligation, courageous enough to be willing to be unpopular for his convictions, yet he saw no such obligation as this, though these claims arose principally from New England, toward which he was not unfriendly.

The same was true of all our great and near great Presidents for 85 years after the treaty of 1800 was made. Twice in that long period the persistent efforts of these claimants caused the passage of favorable bills through the House. During 150 to 200 sessions Congress rejected them by nonaction or adverse action. During this period two Congresses had acted favorably; but President Polk promptly vetoed the first and President Pierce the second. Both vetoes were sustained.

Thereafter Congress continued to decline to pay them, until in 1885, after Vice President Arthur had become President through the death of President Garfield, after his party had refused to nominate him, and after the country had passed the Government into the hands of the opposing party, in the last days of his administration and of an expiring Congress there was this half-hearted, restricted, noncommittal reference of these claims to the Court of Claims, with carefully guarded caution against commitment in their favor.

No Congress has paid any of these claims during the last 20 years, notwithstanding the court had reported favorably on them. Congress has continually declined to do so, and has several times positively refused to do so.

President Cleveland vetoed them in 1896 and thus became the third President to veto them. In that instance, as in both the preceding ones, Congress refused to pay them over the President's veto.

After these careful, well-informed, conscientious statesmen of the first and second generations after these transactions occurred, and their successors for many decades, have either declined to recognize such an obligation or have rebuked the assertion of it, what right have we to say that they were indifferent or ignorant or disregarding of the obligations of the Nation and the rights of its citizens?

On four occasions between 1885 and 1905 at or near the close of sessions, usually in the dying hours of an expiring Congress, the Senate has succeeded in getting provisions for the payment of such of these claims as had then been inserted into appropriation bills, usually through conference reports. These cover about 20 years after the limited reference to the Court of Claims. The first was passed on March 3, 1891; the second March 1, 1899; the third May 20, 1902; and the fourth March 3, 1905.

The act of reference required that all claims be filed within two years, but it fixed no limitations of time within which evidence could be offered or report made. These appropriation bills, added by the Senate through conference reports and adopted by the House, as stated, covered all cases reported up to that time, so far as I can ascertain, and every claimant had then had 20 years after the limited reference within which to prove his claim. That was ample time for them to make proof if the facts existed, but another 20 years have come and gone and they are still scraping up support for their claims.

If they are all ever settled, the last of them will be tralling with troops of German spoliation claims and others like them. Like pension claims for the War of 1812 still being paid, they hang on forever. Lobbyists promoting the German spoliation claims will be hanging around Congress when we have all been

in our graves 100 years, if the Nation still stands, which God grant.

Time itself should be treated as having settled the controversy as to the payment of these claims. Mr. Bayard, Secretary of State, is quoted in John Bassett Moore's work on International Law as saying:

It must be remembered that statutes of limitation are simply formal expressions of a great principle of peace which is at the foundation not only of our own Government but all other systems of civilized jurisprudence. It is good for society that there should come a period when litigation to assert alleged rights should cease, and this principle, which thus limits litigation when wrongs are old and evidence faded, is as essential to the administration of justice as is the principle that sustains litigation when wrongs are recent and evidence fresh. (Vol. 6, p. 1005.)

Mr. Moore further quotes one of the commissioners passing on Venezuela claims as saying:

Great lapse of time is known to produce certain inevitable results, among which are the destruction or the obscuration of evidence, by which the equality of the parties is disturbed or destroyed, and as a consequence renders the accomplishment of exact or even approximate justice impossible. Time itself is an unwritten statute of repose. (Moore's International Law, vol. 6, p. 1006.)

The discussion of these claims presents a striking example of the mass of tradition, misunderstanding, fiction, and falsehood which self-interest can create and the amount of truth which can be lost in the thickening haze which surrounds transactions as they recede into the distant past.

In the Senate hearings on these claims of March 20, 1924 (p. 10), Mr. Scattergood, representing one of the big insurance companies interested, said:

Mr. SCATTERGOOD. There has never been an adverse report, or even a minority report, made on the subject of the French spoliation claims since their reference to the Court of Claims on the facts and law.

On February 18 and 19, 1911, an adverse report on claims of this class, probably some of these claims, was made by the House committee to the House while Mr. Scattergood was in Washington looking after them. Indeed, he was sitting in the gallery while this adverse report was under a continued discussion for two or three days, as shown by the CONGRESSIONAL RECORD of February 19, 1911, from which I read:

Mr. SHACKLEFORD. I will say to the gentleman from North Carolina that he [Mr. Scattergood] is sitting in the gallery, and has been sitting there for the past week.

Mr. KITCHIN. He ought to sit there. He is interested, and ought to stay there and see that the House looks after his company's interest. * * * (RECORD, February 19, 1911, p. 2886.)

As I understand it, this is the Mr. Scattergood who has written a history of these French spoliation claims from which men frequently quote as authority.

Statements that the United States had collected money for these claimants and withheld it from them, and that it assumed them and had refused to keep its obligation, would not have been made but for the confusion, tradition, fading memories, and obscuring records of men. Under such conditions tradition and fiction accumulate, and the facts are confused, obscured, and forgotten.

The principle recognized in statutes of limitation and systems of equity is not based alone on the neglect of litigants.

It recognizes the existence of just such situations as we have here, in which controversies, parties, opportunities, and tribunals have existed for successive generations, carrying the responsibility of adjudications which could have been made by them and can not be made by men of remote generations.

If we did not have our present imperfect information indicating that no injustice has been done; if we did not know, as we do, that capable, conscientious, courageous men administering our Government had declined to recognize any obligation of payment, sound policy would require that, after a century and a quarter, we presume that the claimants were able to present their cases, that capable men considered them, and that the refusal to recognize them was justified.

In vetoing an appropriation of public lands to pay these claims in 1846, 80 years nearer the time and transactions in which they originated, President Polk said:

I can perceive no legal or equitable ground on which this appropriation can rest.

President Pierce looked into them with care from a viewpoint 75 years nearer than ours. He found that the United States not only did not agree to waive these claims, but that—

The zeal and intelligence with which the claims of our citizens against France were prosecuted appear in the diplomatic correspondence of the three years next succeeding the convention of 1800.

President Pierce further said:

It has been gratifying to me, in tracing the history of these claims, to find that ample evidence exists to refute an accusation which would impeach the purity, the justice, and the magnanimity of the illustrious men who guided and controlled the early destinies of the Republic.

Many of these are underwriter and insurance-company claims. The underwriters and insurers knew the times and conditions under which they fixed and collected premiums to cover the risks of losses which they deliberately assumed.

The high premiums paid proved that they knew of these risks. If they did not know of the danger, they have no right to ask us to grant them gratuities out of the Public Treasury to compensate for their failure to use good sense in business. They fixed and collected premiums to cover the risk, plus overhead charges, plus a profit. Therefore they had no loss except such as they deliberately took the risk of suffering for the sake of the profit promised. If they did not collect such premiums, their loss resulted from their own folly.

President Cleveland in vetoing an appropriation for claims of this class in 1896, among many other conclusive reasons given, presented this one, saying:

In the long list of beneficiaries who are provided for in the bill now before me on account of these claims, 152 represent the owners of ships and their cargoes and 186 those who lost as insurers of such vessels or cargoes.

Those insurers, by the terms of their policies, undertook and agreed "to bear and take upon themselves all risks and perils of the seas, men-of-war, fire, enemies, rovers, thieves, jettison, letters of mart and countermart, surprisals, takings at sea, arrests, restraints, and detentions of all kings, princes, or people of what nation, condition, or quality whatsoever."

The premiums received on these policies were large, and the losses were precisely those within the contemplation of the insurers. It is well known that the business of insurance is entered upon with the expectation that the premiums received will pay all losses and yield a profit to the insurance in addition; and yet, without any showing that the business did not result in a profit to these insurance claimants, it is proposed that the Government shall indemnify them against the precise risks they undertook, notwithstanding the fact that the money appropriated is not to be paid except—

by way of gratuity—payments as of grace and not of right.

The Supreme Court of the United States having by a unanimous opinion held that appropriations for these claims were mere gratuities not based on any claim of right, it is idle to talk of "subrogation." Subrogation is the placing of one where he is vested with rights of another, but the Supreme Court has held that these claims are based on no right. The remote assignees or other successors of the original claimants, while asking the Government to waive all legal rights and grant them mere gratuities not based on right, inconsistently try to invoke a strained and unnatural construction of subrogation notwithstanding there are no rights to which they can be substituted.

Mr. Speaker, for these reasons and for others which time will not permit me to state I protest against the payment of these claims. They amount to many millions of dollars. The end of them and their kind is not in sight. Others like them growing out of other transactions, and especially those out of the spoliation committed by Germany, can and probably will be presented hereafter with more plausible support than these have. [Applause.]

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the following title:

H. R. 4785. An act to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of the land authorized to be acquired by the public buildings appropriation act, approved March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park.

The message also announced that the Senate had passed with amendments bills of the following titles in which the concurrence of the House of Representatives was requested:

H. R. 3807. An act granting relief to the Metropolitan police and to the officers and members of the fire department of the District of Columbia;

H. R. 3794. An act granting the consent of Congress to the counties of Lancaster and York, in the State of Pennsylvania, to jointly construct a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa.;

H. R. 8034. An act to authorize the destruction of paid United States checks;

H. R. 9305. An act to amend section 101 of the Judicial Code as amended; and

H. R. 10200. An act for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 107. An act for the relief of the Commercial Union Assurance Co. (Ltd.);

S. 564. An act confirming in States and Territories title to lands granted by the United States in the aid of common or public schools;

S. 2477. An act to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia; and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street;

S. 2643. An act to provide for the cooperation of the United States in the erection in the city of Panama of a monument to Gen. Simon Bolivar;

S. 2674. An act for the relief of Kate T. Riley;

S. 2729. An act to authorize the refund of \$25,000 to the Columbia Hospital for Women and Lying-in Asylum;

S. 2741. An act for the relief of the State of Ohio;

S. 3115. An act to amend section 220 of the Criminal Code;

S. 3480. An act for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were erroneously released from active duty and disenrolled at places other than their homes or places of enrollment;

S. 3691. An act to convey to the city of Lakeland, Fla., certain Government property;

S. 3759. An act authorizing issuance of patent to Richard Murphy;

S. 3790. An act to provide for transfer of jurisdiction over the Conduit Road in the District of Columbia;

S. 3841. An act to provide for the distribution of the Supreme Court Reports and amending section 227 of the Judicial Code;

S. 3887. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Daniel F. Crump within Glenwood Cemetery;

S. 3953. An act to provide for the condemnation of the lands of the Pueblo Indians in New Mexico for public purposes, and making the laws of the State of New Mexico applicable in such proceedings;

S. J. Res. 46. Joint resolution giving and granting consent to an amendment to the constitution of the State of New Mexico providing that the moneys derived from the lands heretofore granted or confirmed to that State by Congress may be apportioned to the several objects for which said lands were granted or confirmed in proportion to the number of acres granted for each object, and to the enactment of such laws and regulations as may be necessary to carry the same into effect; and

S. J. Res. 62. Joint resolution to authorize the Secretary of Agriculture to accept membership for the United States in the Permanent Association of the International Road Congresses.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolution of the following titles:

On April 23, 1926:

H. R. 3624. An act for the relief of Hannah Parker;

H. R. 5012. An act to legalize a pier into the Atlantic Ocean at the foot of Rehobeth Avenue, Rehobeth Beach, Del.; and

H. R. 8192. An act authorizing the designation of postmasters by the Postmaster General as disbursing officers for the payment of contractors, emergency carriers, and temporary carriers, for performance of authorized service on power boat and star routes in Alaska.

On April 24, 1926:

H. R. 9685. An act providing for expenses of the offices of recorder of deeds and register of wills of the District of Columbia;

H. R. 6874. An act for the relief of James Madison Brown; and

H. R. 5858. An act for the relief of Charles Ritzel.

On April 26, 1926:

H. R. 120. An act fixing the fees of jurors and witnesses in the United States courts, including the District Court of Hawaii, the District Court of Porto Rico, and the Supreme Court of the District of Columbia.

On April 28, 1926:

H. R. 6773. An act to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America.

On April 29, 1926:

H. J. Res. 204. Joint resolution authorizing certain military organizations to visit France, England, and Belgium; and

H. R. 9795. An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 107. An act for the relief of the Commercial Union Assurance Co. (Ltd.); to the Committee on Claims.

S. 564. An act confirming in States and Territories title to lands granted by the United States in the aid of common or public schools; to the Committee on the Public Lands.

S. 2477. An act to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia; and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street; to the Committee on the District of Columbia.

S. 2643. An act to provide for the cooperation of the United States in the erection in the city of Panama of a monument to Gen. Simon Bolivar; to the Committee on Foreign Affairs.

S. 2729. An act to authorize the refund of \$25,000 to the Columbia Hospital for Women and Lying-in Asylum; to the Committee on the District of Columbia.

S. 2741. An act for the relief of the State of Ohio; to the Committee on Claims.

S. 3480. An act for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were erroneously released from active duty and disenrolled at places other than their homes or places of enrollment; to the Committee on Naval Affairs.

S. 3691. An act to convey to the city of Lakeland, Fla., certain Government property; to the Committee on Public Buildings and Grounds.

S. 3759. An act authorizing issuance of patent to Richard Murphy; to the Committee on the Public Lands.

S. 3841. An act to provide for the distribution of the Supreme Court reports and amending section 227 of the Judicial Code; to the Committee on the Judiciary.

S. 3887. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Daniel F. Crump within Glenwood Cemetery; to the Committee on the District of Columbia.

S. 3953. An act to provide for the condemnation of the lands of the Pueblo Indians in New Mexico for public purposes, and making the laws of the State of New Mexico applicable in such proceedings; to the Committee on Indian Affairs.

S. J. Res. 46. Joint resolution giving and granting consent to an amendment to the constitution of the State of New Mexico providing that the moneys derived from the lands heretofore granted or confirmed to that State by Congress may be apportioned to the several objects for which said lands were granted or confirmed in proportion to the number of acres granted for each object, and to the enactment of such laws and regulations as may be necessary to carry the same into effect; to the Committee on the Public Lands.

S. J. Res. 62. Joint resolution to authorize the Secretary of Agriculture to accept membership for the United States in the Permanent Association of the International Road Congresses; to the Committee on Foreign Affairs.

FEDERAL FARM BOARD

Mr. SNELL. Mr. Speaker, I submit a privileged report from the Committee on Rules providing for the consideration of the bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural products.

The Clerk reported the title of the resolution.

Mr. SNELL. Mr. Speaker, in this connection it is expected to call up this rule for the consideration of agricultural legis-

lation immediately after the disposition of business on the Speaker's table on next Tuesday.

The SPEAKER pro tempore (Mr. CHINDBLOM). The report of the Committee on Rules is referred to the House Calendar.

AMENDMENT OF THE TRADING WITH THE ENEMY ACT

Mr. PARKER. Mr. Speaker, I call up the conference report on the bill (S. 1226) to amend the trading with the enemy act.

The SPEAKER pro tempore. The gentleman from New York calls up a conference report, which the Clerk will report. The Clerk reported the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1226) entitled "An act to amend the trading with the enemy act," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment so that the said House amendment shall read as follows:

"(3A) An individual who was at such time a citizen or subject of Germany, Austria, Hungary, or Austria-Hungary, or not a citizen or subject of any nation, state, or free city, and that the money or other property concerned was acquired by such individual while a bona fide resident of the United States, and that such individual, on January 1, 1926, and at the time of the return of the money or other property, shall be a bona fide resident of the United States; or

"(3B) Any individual who at such time was not a subject or citizen of Germany, Austria, Hungary, or Austria-Hungary, and who is now a citizen or subject of a neutral or allied country, or."

And the House agree to the same.

JAMES S. PARKER,

JOHN G. COOPER,

CLARENCE F. LEA,

Managers on the part of the House.

ALBERT B. CUMMINS,

WILLIAM H. KING,

WM. E. BORAH,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1226) to amend the trading with the enemy act submit the following written statement in explanation of the effect of the action agreed upon by the conference and recommended in the accompanying conference report:

The bill as it passed the House provided that in order to be entitled to the return of his property in the custody of the Alien Property Custodian such individual should have declared his intention to become a citizen prior to the passage of the amendment. The conference agreement would eliminate this qualification and substitute a provision that such individual must have been a bona fide resident of the United States on January 1, 1926, in addition to the other conditions specified in the bill. The main object of the amendment is to prevent claimants from qualifying for the return of their property by hereafter taking up their residence in the United States for such purpose.

Paragraph (3B) was amended by the inclusion of the words "at such time." The time referred to is the time in which the property involved was seized by the Alien Property Custodian. The added language simply makes this language conform to the language of the bill in preceding paragraphs.

JAMES S. PARKER,

JOHN G. COOPER,

CLARENCE F. LEA,

Managers on the part of the House.

Mr. PARKER. Mr. Speaker, I move the adoption of the conference report.

The motion was agreed to.

On motion of Mr. PARKER, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

THE POSTAL SERVICE

Mr. ARNOLD. Mr. Speaker, on Wednesday last, the 28th of April, I delivered a speech over the radio, WCAP, on the question of the Postal Service. I ask unanimous consent to extend my remarks in the RECORD by inserting that speech.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. ARNOLD. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I submit the following speech:

The postal service of the American Government is the greatest public utility service in the world. There is no other department of our Government that comes so directly in contact with every man, woman, and child of this country. The founders of the American Republic, recognizing that the intelligence of the people in a republican form of government is of prime necessity, made provision that the postal system should be a strict governmental agency, so that the dissemination of information should be uniform without restraint and at the least possible expense to all citizens alike.

The postal system transports intelligence by correspondence, by newspapers, by magazines. It transports money through its money-order department; it acts as a banker for thousands of its citizens; and is the commercial artery for barter and exchange of various commodities through the parcel-post system. Without the means of communication of written intelligence the business life of America would be paralyzed. The wisdom of our forefathers is once more demonstrated in making it a strictly governmental agency so that nothing can destroy its functioning so long as the power of the Government itself exists.

The small fourth-class post office in the country store in the remotest sections of the country, with its crude surroundings and furnishings, offers essentially the same service as the city post office with its granite exterior, its tiled floors, marble counters, and luxurious appointments.

From each and every post office in the country lines of communication radiate and extend to every other section of the country and into international channels reaching throughout the civilized world. For 2 cents the patron of the most obscure office may have his message delivered without regard to distance within the United States and its possessions as expeditiously and safely as the patron of the largest office, and receive communications by the same source from every section of the country. Yes; its contact is closer yet. Through the city, village, and rural carriers this service is extended to the home, office, and place of business of millions of individual patrons with like benefits and privileges of those dealing direct with a post office. Rural free delivery alone brings this service to the homes of 30,500,000 individuals. This direct door-to-door service, extensive and widely scattered as it is, has no counterpart in any nation in the world.

A brief historical reference might be of interest. While postal service was in use to a limited extent in colonial times, it first took form under American Government in July, 1775, when the Continental Congress established a constitutional post office, with Benjamin Franklin as the first Postmaster General. The resolution of the Continental Congress providing this service reads: "Communication of intelligence with frequency and dispatch from one post to another of this extensive continent is essentially requisite to its safety."

Star routes were early created by contracts for carrying the mails on routes other than established post routes to the lowest bidder. Bids for this service were indicated by three stars to symbolize celerity, certainty, and security; hence the name "star route" prevailing to-day.

In March, 1829, under President Jackson's administration, the Postmaster General was first made a member of the President's Cabinet. Mail was first carried by steam railways in 1834. The period following 1836 was one of transition from stage coach to railway transportation. Primitive and crude at first, a bid for railway service stipulated the department must reduce the required rate of speed to 11 miles an hour.

Postage stamps first came into use in 1840. Postmasters printed their own stamps and sold them for use by patrons to indicate prepayment of postage. Seven years later an act of Congress authorized their official use. In 1855 prepayment became compulsory. During all this time the cost of carriage was based on distance.

Free delivery for cities was undertaken in 1863. Special delivery was established in 1885. In 1896 an experiment in rural free delivery was made with three routes in West Virginia. Rural free delivery is now thoroughly entrenched in popular favor.

The Constitution provides that Congress shall have power "to establish post offices and post roads." This has been construed as authority for building roads throughout the country for the purpose of extending mail facilities. Under this constitutional authority the Government has built many roads for the transportation of the mails; built and fostered a great system of canals before the advent of the railway; built and maintained the first railroad in the country; and later Government aid in the construction of post roads took the form of land grants for transcontinental and other railway lines. It is rather interesting to note that formerly every road and means of travel and communication existed primarily for the Postal Service.

This constitutional provision is the authority for our present system of Federal aid to States, under which the Government is now appor-

tioning \$75,000,000 a year to the States for the construction of improved highways within their borders.

For the marvelous growth and development of the postal system credit is due largely to the competency and efficiency of the postal employees. The postal clerk, the carrier, city, rural, and village, and the railway postal employee, by devotion to duty, courtesy, and efficiency, have made the Postal Service the most popular service of all governmental agencies. All the directing genius in the world would be of no avail to accomplish the results attained but for this loyalty and efficiency upon the part of those who actually handle the mail and perform the services of the Post Office Department.

The growth and development of the postal system of the country has been marvelous. It is interesting to note that during the entire history of the postal system of this country the volume of business and receipts and expenditures have practically doubled every 10 years with clock-work regularity. But few people realize the magnitude of the business at the present time and the efficiency of the service. During the fiscal year 1925, there was a total of 17,758,358,993 pieces, exclusive of registered mail, distributed and redistributed by railway postal clerks, with a percentage of correct distribution and redistribution of 99.994.

Second-class matter consisting of newspapers and periodicals amounting to 1,417,491,573 pounds were handled. The revenue derived from the Postal Service in 1925 aggregated \$599,591,477.59, an increase of 4.65 per cent over 1924, while the expenditures during the same time aggregated \$639,281,647.99.

There are 45,395 rural routes in operation to-day, with an aggregate length of 1,257,779 miles. One-half of the country roads are traveled by rural or star route carriers and serve 80 per cent of the rural population of the country.

The demand of the public has ever been for speedy and expeditious delivery, and the Government has been quick to seize on all methods of transportation that would eliminate the element of time as far as practicable. With that end in view, on the 15th of May, 1918, the Post Office Department, in cooperation with the War Department, made an experiment in air mail. While that service is yet in its infancy, it is developing rapidly and successfully. A number of air-mail lines have been established and are maintained with a degree of regularity highly gratifying. These air-mail routes include a transcontinental route. The westbound schedule from New York to San Francisco, a distance of 2,665 miles, is 34 hours and 20 minutes. This includes stops at 15 stations for service and exchange of mail. The schedule for the eastbound trip is 29 hours and 15 minutes, the difference due to the fact that the prevailing winds from the West help the eastward flight and correspondingly retard the westward flight. The percentage of air-service performance with reference to schedule is 96. Air-mail service from New York to San Francisco has reduced delivery time to one-third the time required by railway service.

The work of the Joint Postal Commission directed by Congress to ascertain the cost of carrying and handling the several classes of mail matter and the performance of various services, begun in 1921, was completed in December, 1924.

During the last Congress there was a salary readjustment for postal employees and a temporary readjustment of postal rates. Temporary, due to the fact that the Congress did not have at hand sufficient definite information on which to base permanent postal rates. By act of Congress of February 28, 1925, the Postmaster General was authorized to continue the work of ascertaining the revenue derived from and the cost of carrying and handling the several classes of mail matter and to report the results annually as far as practicable. A special joint subcommittee of the two Houses of Congress was likewise created and directed to hold hearings and to report by bill "its recommendations for a permanent schedule of postal rates."

This subcommittee held extensive hearings in various parts of the country with a view to obtaining definite and reliable information from users of various classes of the mails on which to base a schedule of permanent postal rates, and is now engaged in gathering statistical information along this line. It has not yet reported, and the indications are that it will not have its report ready so that the information will be available for the use of the committee at this session of Congress in drafting a permanent schedule of postal rates.

The schedule of rates adopted at the last session of Congress contains many inaccuracies and is an injustice to users of some classes of mail. It should be remedied and corrected as soon as it can possibly be done. A study of the hearings and reports with an analysis of all available information should enable Congress to work out and enact into law a fair and equitable readjustment of postal rates.

VOTES FOR ORGANIZED LABOR

Mr. EVANS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of my vote on certain labor questions in the House.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. EVANS. Mr. Speaker, the question of a man's vote in the House of Representatives is often a matter of interest to his constituents. Recently Frank Morrison, secretary of the Ameri-

can Federation of Labor, made a tabulation covering 45 measures of vital importance to organized labor considered in this House in the past 12 years:

On 44 roll calls the vote of the gentleman from Montana [Mr. EVANS] was considered favorable to labor. On one it was considered unfavorable.

A synopsis of the bills are given below. The notations "favorable" or "unfavorable" indicate the verdict of the American Federation of Labor as expressed by Mr. Morrison, secretary:

HOW EVANS VOTED

April 21, 1913: Rule to consider sundry civil bill with antitrust provisions favoring labor; favorable.

February 4, 1914: Motion to strike out literacy test, immigration restriction bill with literacy test; favorable.

February 4, 1914: Final vote immigration restriction bill with literacy test; favorable.

April 17, 1914: Increase appropriation for Children's Bureau; favorable.

October 8, 1914: Conference report Clayton antitrust bill; favorable.

January 15, 1915: Conference report immigration restriction bill; favorable.

February 4, 1915: Immigration restriction over President's veto; favorable.

February 15, 1915: Palmer child labor bill; favorable.

SIXTY-FOURTH CONGRESS

February 2, 1916: Keating child labor bill; favorable.

March 14, 1916: Borland amendment to increase hours of service of Government employees; favorable.

March 24, 1916: Rule to consider immigration restriction bill; favorable.

March 30, 1916: Recommit and strike out literacy test, immigration restriction bill; favorable.

March 30, 1916: Final passage immigration restriction bill; favorable.

July 12, 1916: Federal employees' compensation for injuries; favorable.

December 16, 1916: Increase in wages for Government employees; favorable.

December 21, 1916: Borland amendment to increase hours of service of Government employees; favorable.

January 8, 1917: Increase in wages of employees of Agricultural Department; favorable.

February 1, 1917: Immigration restriction over the President's veto; favorable.

February 15, 1917: Increase in wages for Indian Bureau employees; favorable.

May 13, 1918: Borland amendment to increase hours of Government employees; favorable.

June 19, 1918: Naval appropriation bill prohibiting bonuses; favorable.

June 26, 1918: Borland amendment to increase hours of service of Government employees; unfavorable.

June 27, 1918: Naval appropriation bill prohibiting bonuses; favorable.

July 1, 1918: Borland amendment to increase hours of service of Government employees over the President's veto; favorable.

September 24, 1918: Final passage of Nolan \$3 minimum wage bill; favorable.

SIXTY-SIXTH CONGRESS

May 21, 1919: Woman suffrage; favorable.

July 1, 1919: Appropriation for United States Employment Bureau, Department of Labor; favorable.

July 16, 1919: Minimum wage bill, objectionable amendment by Good; favorable.

July 17, 1919: Vocational Educational Board, motion by Good to reduce appropriation; favorable.

July 17, 1919: Final passage of the sundry civil bill after being vetoed by President because of small appropriation for Vocational Education Board; favorable.

July 22, 1919: Final passage Nolan \$3 minimum wage bill; favorable.

October 17, 1919: Vocational rehabilitation of cripples in industry; favorable.

October 27, 1919: Motion to reduce increase to fire department employees of District of Columbia; favorable.

November 17, 1919: Esch railroad bill, Anderson amendment favored by railroad organizations; favorable.

February 21, 1920: Cummins-Esch railroad bill, motion to recommit conference report and strike out antilabor and other objectionable provisions; favorable.

March 23, 1920: Naval appropriation bill, amendment by Hull of Iowa prohibiting use of appropriation to conduct stop-watch and bonus systems; favorable.

April 30, 1920: Retirement bill, objectionable motion excluding members of organized labor from benefits; favorable.

April 30, 1920: Final passage of the civil service retirement bill; favorable.

SIXTY-EIGHTH CONGRESS

April 12, 1924: Passage of immigration restriction bill; favorable.
April 26, 1924: Passage of child labor amendment to the Constitution of the United States; favorable.

May 5, 1924: To discharge the Interstate Commerce Committee from consideration of the Howell-Barkley railroad bill; favorable.

May 19, 1924: Motion to concur in obnoxious commendation of Committee of the Whole to strike out enacting clause in Howell-Barkley railroad bill; favorable.

June 6, 1924: Acceptance of conference report on postal employees' wage increase bill with Cable corrupt practices amendment; favorable.

SIXTY-NINTH CONGRESS

March 1, 1926: Bill abolishing the Railroad Labor Board and providing for collective bargaining; favorable.

Favorable to labor.....	44
Unfavorable to labor.....	1

Total.....	45
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BRIDGES OVER NAVIGABLE WATERS OF THE UNITED STATES

The SPEAKER pro tempore. Under the previous order, the gentleman from Illinois [Mr. DENISON] is recognized for 25 minutes.

Mr. DENISON. Mr. Speaker, the subject of the construction of bridges over the navigable waters of the United States has become one of great importance to the entire country. Its importance has become more apparent with the recent development of the highway systems of the country. It has become a national problem with the increased expenditures of funds from the Federal Treasury in aid of the States in the construction of improved roads. The people of the entire country have been awakened to the importance of improved highways, and the States and counties all over the country are bonding themselves heavily for the construction of hard roads. This has been encouraged by Federal legislation providing funds from the Federal Treasury to aid and encourage the States in the construction of improved roads. There has already been appropriated from the Federal Treasury in recent years some \$493,300,000 to aid the States in the construction of improved roads, and under existing law we are appropriating and distributing to the States \$75,000,000 annually for that purpose. With this improvement in the highways has come a general demand for improved methods of crossing the navigable waters of the country. The people using the highways for travel and for the transportation of freight are not satisfied with the delays and the expense and the dangers connected with antiquated ferries. There is a demand from all over the country for improved, substantial, and safe bridges over the rivers and other navigable waters of the country.

This has made necessary a very great increase in the enactment of Federal legislation granting the consent of Congress for the construction of bridges. Recent discussions in other legislative bodies indicate, I think, a lack of understanding of some of the fundamental principles underlying the source and the extent of the jurisdiction of the Federal Government in connection with such matters and afford me an excuse for asking your permission to offer a few observations in connection with this subject.

First. Let me say just a word about the jurisdiction of the Federal Government over the navigable waters of the United States.

Under the common law of England, title to the land under all navigable waters was in the sovereign in trust for the public and this title gave to the sovereign exclusive right to regulate all commerce on the navigable waters of the realm. That doctrine applied in the British colonies in this country, and the exclusive right to regulate commerce on the navigable waters of the colonies was in the British Government. At first the navigable waters were held to be confined to the tide waters, but later by analogy, the principle was extended by the courts to include all of the navigable rivers of the interior, as well as those affected by the tide waters.

When the American colonies declared and won their independence the different States became themselves sovereign governments and succeeded to all of the sovereign rights that had theretofore belonged to the Crown, including the rights over the navigable waterways within their respective boundaries. When, therefore, the representatives of the different States met in the constitutional convention in 1787, the States possessed and exercised the sovereign right of controlling and regulating commerce on all their navigable waterways.

By section 8 of Article I of the Constitution the States surrendered to the Federal Government the right to regulate commerce with foreign nations and among the several States. This is the source and the only source of all the power that the Federal Government now has over the navigable waterways of the United States. The source and the extent of this power of the Federal Government have been given judicial interpretation and declaration in innumerable cases that are found in the reported decisions. And the law is well settled that by the commerce clause of the Constitution the States surrendered and the Federal Government received plenary power to regulate commerce among the States and with foreign nations, and that power includes the right to improve all the navigable waterways of the United States and regulate the commerce thereon.

It is also well settled that where Congress has assumed and exercises its jurisdiction over a navigable waterway within a State the State can not enact any law which would conflict with the Federal jurisdiction so exercised. But it is also well settled that Congress and the State legislatures have concurrent jurisdiction over the improvement of navigable waterways within the States. While the States surrendered to the Federal Government this power to regulate the navigable waterways and the commerce thereon, yet until Congress acts in the exercise of that power the States themselves have the right to improve and otherwise regulate the navigable waters and the commerce thereon within their respective borders, and after Congress has acted in the exercise of its power the States may still act so long as the exercise of their powers does not conflict with the action of the Federal Government.

Some of the courts state the jurisdictional question in substantially the following form:

All rights over the navigable waterways within a particular State not surrendered to the Federal Government by the commerce clause of the Constitution are retained by the State government; but it is the exercise and not the mere possession of the powers conferred upon the Federal Government that limits the freedom of action by the State. Jurisdiction over the navigable waterways within the State is concurrent in the State and Federal Government, but that of the Federal Government, when exercised, is supreme. No action can be taken by the State which conflicts with any action taken by the Federal Government, and any action taken by the State is subject to change or nullification by any subsequent action that may be taken by the Federal Government in the exercise of its supreme jurisdiction.

The cases of *Cooley v. Board of Wardens* (13 How. 299) and *Covington Bridge Co. v. Kentucky* (154 U. S. 204) clearly state these principles. The *Minnesota Rate case* (230 U. S. 352) assert the same doctrine with reference to the regulation of commerce on railroads.

In *Gould on Waters*, third edition, page 80, the author says:

Under the Constitution of the United States a State has the right, if its legislation does not conflict with the action of Congress upon the same subject, to authorize bridges and dams across the navigable waters within its limits; to license wharves, piers, and docks intruding upon such waters; to establish harbor lines to which wharves may be extended; to prescribe the places and manner in which vessels may lie in a harbor, what lights they are to carry at night, or what course they shall pursue in navigating a river; to pass reasonable quarantine and inspection laws, and pilotage, or port regulations; to regulate harbor beacons, buoys, salvage, and similar matters of a local and limited nature; to improve the navigability of its waters, and to authorize the collection of tolls in consideration of such improvements.

In *Cummings v. Chicago* (188 U. S. 410) the Supreme Court, through Mr. Justice Harlan, said, speaking of the Calumet River, which is also in the city of Chicago:

* Calumet River, it must be remembered, is entirely within the limits of Illinois, and the authority of the State over it is plenary, subject only to such action as Congress may take in execution of its power under the Constitution to regulate commerce among the several States. That authority has been exercised by the State ever since it was admitted into the Union upon an equal footing with the original States.

In the case of *Willson v. The Blackbird Creek Marsh Co.* (2 Peters, 245), a case involving the authority of a State legislature to authorize a dam to be built across a navigable creek, the Supreme Court, through Mr. Justice Marshall, said:

The act of assembly by which the plaintiffs were authorized to construct their dam shows plainly that this is one of those many creeks passing through a deep, level marsh adjoining the Delaware, up which the tide flows for some distance. The value of the property on its banks must be enhanced by excluding the water from the marsh, and the health of the inhabitants probably improved.

Measures calculated to produce these objects, provided they do not come into collision with the powers of the General Government, are

undoubtedly within those which are reserved to the States. But the measure authorized by this act stops a navigable creek and must be supposed to abridge the rights of those who have been accustomed to use it. But this abridgement, unless it comes to conflict with the Constitution or a law of the United States, is an affair between the government of Delaware and its citizens, of which this court can take no cognizance.

The counsel for the plaintiffs in error insist that it comes in conflict with the power of the United States "to regulate commerce with foreign nations and among the several States."

If Congress has passed any act which bore upon the case, any act in execution of the power to regulate commerce, the object of which was to control State legislation over those small navigable creeks into which the tide flows, and which abound throughout the lower country of the Middle and Southern States, we should feel not much difficulty in saying that a State law coming in conflict with such act would be void. But Congress has passed no such act. The repugnancy of the law of Delaware to the Constitution is placed entirely on its repugnancy to the power to regulate commerce with foreign nations and among the several States, a power which has not been so exercised as to affect the question.

We do not think that the act empowering the Blackbird Creek Marsh Co. to place a dam across the creek can, under all the circumstances of the case, be considered as repugnant to the power to regulate commerce in its dormant state or as being in conflict with any law passed on the subject.

Many more cases might be cited which affirm the power of the State to regulate, improve, or even destroy the navigable character of a waterway within its borders unless Congress has exercised jurisdiction over the particular waterway in question. In the case of *Huse v. Glover* (15 Fed. Rep. 292) the court, speaking through Mr. Justice Harlan, said:

The doctrines of the adjudged cases sustain the authority of this State—there being no act of Congress forbidding it—to construct locks and dams upon the Illinois River. Her avowed object in so doing was to improve the navigation of that river and effect a reduction of freights to the headwaters of Lake Michigan and to the Mississippi River. The mode and extent of such improvement, in the absence of national legislation, based upon the power of Congress to regulate commerce, was for her determination. Her discretion in such matters is not to be controlled by the courts so long as Congress does not interfere.

And when that case went to the Supreme Court, that court, speaking through Mr. Justice Field (119 U. S. 543), said:

The State is interested in the domestic as well as in the interstate and foreign commerce conducted on the Illinois River, and to increase its facilities and thus augment its growth it has full power. It is only when in the judgment of Congress its action is deemed to encroach upon the navigation of the river as a means of interstate and foreign commerce that that body may interfere and control or supersede it. If in the opinion of the State greater benefit would result to her commerce by the improvements made than by leaving the river in its natural state—and on that point the State must necessarily determine for itself—it may authorize them, although increased inconvenience and expense may thereby result to the business of individuals. The private inconvenience must yield to the public good. The opening of a new highway or the improvement of an old one, the building of a railroad, and many other works in which the public is interested may materially diminish business in certain quarters and increase it in others, yet for the loss resulting the sufferers have no legal ground of complaint. How the highways of a State, whether on land or by water, shall be best improved for the public good is a matter for State determination, subject always to the right of Congress to interpose in the cases mentioned. (*Spooner v. McConnell*, 1 McLean, 337; *Kellogg v. Union Co.*, 12 Conn. 7; *Thames Bank v. Lovell*, 18 Conn. 500; S. C. 46 Am. Dec. 332; *McReynolds v. Smallhouse*, 8 Bush. 447.)

It is clear from these cases, and others that might be cited, that so long as the right of the Federal Government to regulate navigable waterways within a State, conferred by the commerce clause of the Constitution, lies dormant the States may act for that purpose and to such extent as they choose, and after the Federal Government acts in the exercise of the power conferred upon it the States may still act in the exercise of their concurrent jurisdiction, but their action must not conflict with the action of the Federal Government.

Now, in the act of September 19, 1890, Twenty-sixth Statutes, chapter 907, section 7, page 454, Congress assumed jurisdiction over all navigable waterways in the following language:

SEC. 7. That it shall not be lawful to build any wharf, pier, dolphin, boom, dam, weir, breakwater, bulkhead, jetty, or structure of any kind outside established harbor lines, or in any navigable waters of the United States where no harbor lines are or may be established, without the permission of the Secretary of War, in any port, roadstead, haven, harbor, navigable river, or other waters of the United States, in such manner as shall obstruct or impair navigation, commerce, or anchorage

of said waters, and it shall not be lawful hereafter to commence the construction of any bridge, bridge draw, bridge piers and abutments, causeway, or other works over or in any port, road, roadstead, haven, harbor, navigable river, or navigable waters of the United States under any act of the legislative assembly of any State until the location and plan of such bridge or other works have been submitted to and approved by the Secretary of War, or to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of the channel of said navigable water of the United States unless approved and authorized by the Secretary of War: *Provided*, That this section shall not apply to any bridge, bridge draw, bridge piers and abutments the construction of which has been heretofore duly authorized by law, or be so construed as to authorize the construction of any bridge, draw-bridge, bridge piers and abutments, or other works under an act of the legislature of any State over or in any stream, port, roadstead, haven, or harbor, or other navigable water not wholly within the limits of such State.

And by the subsequent act of March 3, 1899, Thirtieth Statutes, chapter 425, section 9, page 1151, Congress further exercised its jurisdiction over navigable waterways by the following language:

SEC. 9. That it shall not be lawful to construct or commence the construction of any bridge, dam, dike, or causeway over or in any port, roadstead, haven, harbor, canal, navigable river, or other navigable water of the United States until the consent of Congress to the building of such structures shall have been obtained and until the plans for the same shall have been submitted to and approved by the Chief of Engineers and by the Secretary of War: *Provided*, That such structures may be built under authority of the legislature of a State across rivers and other waterways the navigable portions of which lie wholly within the limits of a single State, provided the location and plans thereof are submitted to and approved by the Chief of Engineers and by the Secretary of War before construction is commenced: *And provided further*, That when plans for any bridge or other structure have been approved by the Chief of Engineers and by the Secretary of War, it shall not be lawful to deviate from such plans either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War.

In the case of *Economy Light & Power Co. v. United States of America* (256 U. S. 113), the Government sought to enjoin the power company from constructing a dam in the Des Plaines River, Ill., and the question involved was whether or not the Des Plaines River was a navigable waterway of the United States, and, if so, what was the effect of the provisions of these acts of Congress just quoted. In the opinion the court said:

Since it (the Des Plaines River) is a natural interstate waterway, it is within the power of Congress to improve it at the public expense; and it is not difficult to believe that many other streams are in like condition and require only the exertion of Federal control to make them again important avenues of commerce among the States. If they are to be abandoned, it is for Congress, not the courts, so to declare. The policy of Congress is clearly evidenced in the act of 1899, and, in the present case at least, nothing remains but to give effect to it.

This case, which is one of the latest and leading cases, makes it clear, first, that it is within the power of Congress to abandon a navigable waterway if it does not think it wise to expend public funds to improve it; and, second, that by the acts of September 19, 1890, and March 3, 1899, just quoted, Congress has declared its policy and exercised its jurisdiction over navigable waterways conferred by the commerce clause of the Constitution.

In *People v. Metropolitan Railway Co.* (285 Ill. 246) the question arose as to whether or not, by the acts of September 19, 1890, and of March 3, 1899, Congress assumed exclusive jurisdiction over all the navigable waterways of the country and thereby deprived the States of any further right of control over them. In that case the people of the State of Illinois sought to compel the railway company to remove a certain bridge across the South Branch of the Chicago River on the ground that it had become an obstruction to commerce. After citing the case of the *Lake Shore & Michigan Southern Railway Co. v. Ohio* (165 U. S. 365), where the Supreme Court held that the State of Ohio still had the right to compel the removal of a bridge unlawfully constructed across a navigable stream, the court said:

If the act of 1890 did not affect the power of the State to require the removal of an obstruction placed in the stream unlawfully, we do not see how it could affect the authority of the State to require the removal of a structure lawfully placed in a navigable stream, but which has since, because of changed conditions, become an unreasonable obstruction. The subsequent amendatory acts of Congress, including

section 18 of the act of March 3, 1899, do not restrict or encroach upon the power the State had, previous to those enactments, been authorized to exercise. Conceding Congress has the power to take sole and exclusive jurisdiction over navigable waters wholly within a State, it has not done so.

It is clear from the decisions cited and others that might be cited that the States and the Federal Government have concurrent jurisdiction over navigable waters within their borders; but that under the Constitution the power of the Federal Government is supreme and exclusive when the Federal Government chooses to act to the extent of its power. It is not the power of the Federal Government but the exercise thereof that determines the rights of a State to legislate or to act with reference to the control of the navigable waters within its borders. Whatever is done by the State in the exercise of control over the navigable waters within its borders must be in conformity with the laws of the Federal Government, and State laws must give way if they conflict in any way with any subsequent exercise of jurisdiction by the Federal Congress.

In *Gilman v. Philadelphia* (3 Wall. 713), the Supreme Court said that the navigable waters of the United States are the public property of the Nation and subject to all the requisite regulations by Congress.

In *Gibbons v. Ogden* (9 Wheat. 189) it was said that the power of the Federal Government over navigable waters is complete in itself and may be exercised to the utmost extent and acknowledges no limitations other than are prescribed in the Constitution.

It is, therefore, in the exercise of this supreme and exclusive jurisdiction over navigable waters that Congress from time to time grants its consent for the construction, maintenance, and operation of bridges over the navigable waters. It is an exercise of sovereignty and is in the nature of a franchise, and in making the grant the sovereign power may put such conditions to the franchise granted as it chooses without violating any constitutional limitations.

Congress has the unlimited power to determine whether or not a bridge may or may not be built over a navigable waterway, and having the full power to consent or to withhold its consent, Congress may impose any proper terms as a condition of its consent.

By the act of March 3, 1899, Congress declared that it should be unlawful to construct any bridge or other structure mentioned in the act over any navigable waters of the United States until the consent of Congress had first been obtained, and until the plans therefor had been submitted to and approved by the Chief of Engineers and the Secretary of War. And in the same act Congress provided that when the navigable portion of the waterway was wholly within the borders of a single State, bridges or other structures over the same might be constructed with the approval of the State legislature, subject to the limitation that the plans and specifications had to likewise be submitted to the Chief of Engineers and the Secretary of War and be approved by them. But where the navigable portion of the waterway does not lie wholly within the borders of a single State, it is still necessary to first obtain the consent of Congress before any bridge can be built over it.

Mr. SINNOTT. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. SINNOTT. The gentleman has referred to navigable waters within a State. Does he mean an intrastate stream or an interstate stream? Is there not a distinction between a stream flowing from one State into the other and a stream or body of water which is wholly within the confines of a State?

Mr. DENISON. If the body of water is wholly within a State and is not connected in any way with the ocean or with another State, it is not a navigable waterway of the United States, but is merely a navigable waterway of the State. The Federal Government gets jurisdiction over it by reason of the fact that it can be used in the transportation of commerce between the States, or with foreign nations.

Mr. SINNOTT. Is it the gentleman's opinion that the Federal Government has no jurisdiction over a navigable lake wholly within the State?

Mr. DENISON. I think the Federal Government has no jurisdiction over it, if it can not be used in connection with foreign commerce, or as a means of transportation between different States.

Mr. ALMON. If there is, for instance, such a lake as referred to by the gentleman from Oregon, that makes connection complete in interstate commerce, then would not it come within the jurisdiction of the cases to which the gentleman referred?

Mr. DENISON. Well, the Federal Government would have jurisdiction over a lake or any waterway in any State if it has been or can be used for commerce between two or more States.

Mr. MAPES. Will the gentleman yield?

Mr. DENISON. I will yield to the gentleman from Michigan.

Mr. MAPES. Does the gentleman think that the Federal Government can by failure to exercise its right over navigable waters lose any right or authority to do so? Can the States acquire any vested interest by reason of any action which they may take over navigable waters as against the Federal Government whenever it sees fit to take action? That is, would failure to act prevent the Federal Government from exercising complete and exclusive jurisdiction?

Mr. DENISON. No; the power of the Federal Government over navigable waters is plenary and absolute, and its failure to act does not forfeit any of its jurisdiction; it can at any time act and its act supersedes any act of any State legislature.

Mr. MAPES. Abrogates any act any State legislature may have taken, no matter how long before it was taken?

Mr. DENISON. That is true; and that principle is stated in a number of decisions of the courts of the country.

Mr. BRIGGS. Will the gentleman yield?

Mr. DENISON. I will.

Mr. BRIGGS. Does the gentleman know why that distinction was made that when navigable waters were wholly within the State all that was necessary was to get the consent of the Chief of Engineers and Secretary of War, while if it happened to be interstate, it was necessary to come to Congress?

Mr. DENISON. No; that distinction was made by an act of Congress which provides that where the navigable portion of the river lies wholly within the borders of a single State the bridge can be built by getting the consent and approval of the State legislature and also by getting the approval of the Chief of Engineers and the Secretary of War; but where the navigable portion of the river does not lie wholly within the State the party must get the consent of Congress, and the plans must be approved by the Chief of Engineers and Secretary of War.

Mr. BRIGGS. I was wondering why that distinction. For instance, suppose a stream was an interstate stream connecting two States. The legislatures of both consented. With the approval of the Secretary of War and Chief of Engineers that would be ordinarily sufficient where the navigable portion is wholly within the State rather than come to Congress for one of these small bridge bills.

Mr. DENISON. That bill was passed by Congress in 1899, and I am unable to tell my friend from Texas just what actuated Members of Congress in making that distinction. I was merely calling attention to the fact that the distinction was made at that time.

The act of March 23, 1906, is generally referred to as the general bridge law. By that act Congress provided the general law which should govern the construction of bridges over navigable waterways. Provision was made therein for the submission of all plans and specifications to the Secretary of War and the Chief of Engineers for their approval, various conditions and limitations were specified as a condition and a limitation on the grant by Congress of its consent to the construction of any bridge over any of the navigable waterways of the United States. And it was provided that where Congress consents for the construction of a bridge, it should be commenced within one year and completed within three years or the right to construct it should be null and void; and since the passage of that act, wherever Congress has consented to the construction of a bridge over any of the navigable waterways of the United States, such bills have always contained the provision that Congress granted its consent subject to and in accordance with the provisions of the act of March 23, 1906.

What constitutes a navigable waterway is a question of fact. That fact is determined in the first instance by the Secretary of War and Chief of Engineers. The courts of the country have in repeated decisions held that the question of whether or not a river or other body of water was a navigable waterway was a question of fact to be determined by the history of and the particular conditions connected with such waterway. The office of the Chief of Engineers of the Army is in possession of all historical and physical data connected with the waterways of the country. And from this information he determines in the first instance whether or not a particular waterway is a navigable waterway of the United States. If his conclusion should be questioned in court, the court would, in a proper proceeding, determine from the facts presented to it whether or not the conclusion of the Chief of Engineers was correct and whether or not the stream was in fact a navigable waterway. Whether a particular river is a navigable waterway does not depend upon its navigability. If it has at any

time in the past been used as a highway for the transportation of persons or property, however crude the method of transportation might have been, it is a navigable waterway; and if such transportation extends or is capable of extending beyond the limits of a single State, it is a navigable waterway of the United States. (The Daniel Ball, 10 Wall. 557.)

In some instances the upper reaches of some of our rivers, which were used in pioneer days by the early settlers who traveled and transported their goods in canoes, have been declared by the courts for that reason to be navigable waters of the United States. If rivers have in times past been used for the floating of logs or for other crude forms of transportation, they may be properly classed as navigable waterways of the United States. And Congress has jealously guarded and protected such waterways because there is always the possibility of their improvement and development into modern means of transportation.

The extraordinary growth in sentiment for improved highways in recent years resulting from the rapid increase in all forms of motor transportation has brought about a pyramiding of expenditures by the States for the improvement of their highways. This has resulted naturally in decreasing the capacity of the States and counties to raise funds necessary for the construction of improved bridges. The people are insisting upon the construction of improved roads, and many of the States have exhausted their borrowing power in order to raise funds for that purpose. For this reason the States and municipalities are often unable to raise funds to construct improved bridges, and this is particularly true with reference to navigable waters that form the boundary lines between different States. There are very few instances where the States themselves are willing to or can raise the funds to construct expensive bridges over interstate rivers.

The result of that situation has been that private capital has in recent years been more and more invited and urged to invest in the construction of bridges over interstate and other rivers and such bridges must of necessity be toll bridges. With the improvement in our highways and the tremendous growth of travel by automobile and of transportation by bus and truck the demand and the necessity for better bridges has accordingly increased; and in quite recent years it has been demonstrated that toll bridges when located at strategic points on any through system of highways are very profitable investments. It was shown at a recent hearing of your committee that until the last two or three years investment bankers would not handle bridge bonds and other securities, whereas now private capital is ready and willing to invest in such ventures, and investment bankers are anxious to secure bridge bonds for their clients.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DENISON. I ask for five additional minutes.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to proceed for five minutes longer. Is there objection? [After a pause.] The Chair hears none.

Mr. DENISON. The Committee on Interstate and Foreign Commerce of the House has, through its subcommittee on bridges, been carefully investigating and studying this whole subject for the past year. It has been realized that additional general legislation will soon be necessary to properly regulate the construction of toll bridges over the navigable waterways of the country. But this is a new subject. It is impossible to legislate wisely on such a subject until a definite policy can be determined, based on longer experience and observation. It is hoped that sufficient data soon can be gathered, from the actual experience of bridge builders and from observation and study of toll bridges, to enable the committees of the House and the Senate to agree upon a policy and enact that policy into general legislation. Until then it will be necessary to safeguard the interests of the public as best we can by inserting in each individual bridge bill those provisions which Congress thinks should be inserted for that purpose.

The Committee on Interstate and Foreign Commerce has reached certain conclusions as to the policy that we believe ought to govern Congress in granting franchises for the construction of toll bridges over our navigable waterways. That policy includes the following principles, stated briefly:

First. The highways of the country ought to be free. Tolls should be avoided wherever possible. And just as the old turnpikes or toll roads have been displaced by improved free highways, ferries and toll bridges ought to be displaced by free bridges as soon as possible.

Second. By the act of July 11, 1916:

An act to provide that the United States shall aid the States in the construction of post roads, and for other purposes.

Congress said in section 9 thereof "that all highways constructed or reconstructed under the provisions of this act shall be free from tolls of all kinds." And the term "highways" was defined in section 2 of that act as including "bridges." Thus in its Federal aid legislation, Congress has declared its policy for free highways and has prohibited the expenditure of Federal-aid funds upon any highway upon which tolls were collected. Therefore bridges built over any of the navigable waterways of this country, which connect with or form a link in, or which will connect with or form a link in, any of the systems of Federal-aid highways, are or will be a part of the Federal-aid system, and if such bridges are toll bridges Federal funds can not be expended on the roads approaching them. For that reason the Bureau of Roads of the Department of Agriculture has recommended that Congress withhold its consent for the construction of any bridge that will connect with or form a link in the system of Federal-aid highways for any State, unless there is included in the legislation granting the franchise suitable provisions for eventually making the bridge free of tolls. Your Committee on Interstate and Foreign Commerce fully approves that policy.

Third. While it is and ought to be the policy of Congress to secure free bridges wherever possible, we must recognize the fact that the States and counties and cities are often unable to construct suitable bridges over their navigable waters by the sale of bonds or by the taxing power, and this is especially true as to interstate waterways; that public sentiment is now demanding the abolition of antiquated ferries and the construction of improved and safe bridges, and that until the time comes when the States or counties or cities can and will construct free bridges by the sale of bonds or the power of taxation, private capital ought to be not only allowed to construct toll bridges but ought to be encouraged to do so.

Fourth. When franchises are granted to private persons or corporations to construct toll bridges with private capital, they should be allowed a fair opportunity to amortize their investments and realize reasonable profits from the tolls.

Fifth. Experience has shown that where toll bridges are constructed at key positions on through highways systems, they are very profitable and pay for themselves from the tolls in a very few years, and as travel and commerce on the highways increase such bridges become more and more valuable by reason of their established earning power and their prospective profits; and in such cases, if the State or county or city in which they are located desire to purchase or condemn them in order to make them free, they can not do so under the general condemnation laws except by paying the owners for this enormous added value based upon earning power and prospective profits. Thus the public is exploited by being required to pay for this added value which the public itself has given to such structures. Your committee believes that such conditions should be prevented by proper conditions or limitations when the franchises for the construction of such bridges are granted.

Sixth. Therefore the committee has concluded that when Congress grants its consent to private persons or corporations to construct a toll bridge over navigable waters, the franchise should contain, first, a recapture provision giving to the State or States or the counties or cities in which the bridge may be located the right to take over or acquire the bridge by purchase or condemnation at any time upon paying the owners the full value thereof; second, a further provision that if the State, county, or city is unable or does not choose to exercise that privilege until after a certain term of years from the completion of the bridge, they should thereafter have the right to acquire the bridge by purchase or by condemnation upon the payment of limited damages or compensation, the rules for which should be stated in the franchise as a condition thereof and should exclude from consideration going value, earning power, or prospective revenues or profits, and should limit the damages to the actual value of the physical structure at the time it is taken over. The number of years after which this limited measure of damages would apply should vary from 5 to 25 years, depending upon the cost of the bridge, its location, and the probable amount of travel that would pass over it, and would be fixed at such a number as in the judgment of the committee would afford the owners a reasonable opportunity to recover their capital invested and earn a reasonable profit thereon.

Seventh. The committee further believes that all bridges over navigable waters of the United States ought to ultimately become free, or substantially so, whether they are built by private persons or corporations or by municipalities or States. Neither private capital nor municipalities should be allowed to permanently operate toll bridges for profits. Therefore, when Congress hereafter grants its consent to a State, county, or

city, or to two States, counties, or cities to construct a toll bridge over a navigable waterway of the United States the franchise should contain a provision that the tolls should be so adjusted as to provide a fund sufficient, as far as possible, to pay for the cost of maintaining, repairing, and operating the bridge, and to provide a sinking fund sufficient to amortize the cost of the bridge as soon as possible under reasonable charges, but within a period of not to exceed from 15 to 30 years as circumstances may require; and that thereafter the bridge should be operated either free of tolls, or the tolls should be so reduced as to provide a fund of not to exceed the amount necessary to maintain, repair, and operate the bridge.

Your committee further believes that this same policy of ultimately securing free bridges should apply where toll bridges are recaptured or taken over by the States, counties, or cities. We believe that private capital ought to be encouraged to invest in the construction of bridges, and that the public interest ought to be protected by reserving in the franchises the right of the public to recapture the bridge; but that this right ought to be given to the State, county, or city, not merely for the purpose of allowing public ownership of the bridge, but for the purpose of ultimately making the bridge free. Therefore, where Congress grants its consent to private persons or corporations to construct a toll bridge and gives to the State, county, or city in which the same is located the right to take over or acquire such bridge under a limited measure of damages, the franchise should further provide that as soon as the capital invested in them by the State, county, or city and all necessary expenditures can be recovered back from the tolls collected, such bridge should thereafter be made free. Your committee believes that where the States themselves construct or acquire toll bridges they will amortize their investment as soon as possible and as a matter of public policy will thereafter make them free. But counties and municipalities have in many instances claimed the right to operate toll bridges after their costs have been amortized and used the proceeds of the tolls for other municipal purposes. Such a plan of taxing the traveling public or commerce on the highways should, in the judgment of your committee, be prevented by appropriate provisions in the bill granting the franchise.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DOWELL. I ask unanimous consent that the gentleman's time be extended for five minutes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. DOWELL. Now, will the gentleman yield for a question?

Mr. DENISON. I will yield.

Mr. DOWELL. There have been a number of these bridges provided for in the past. Did any of the bills contain the provisions suggested by the gentleman in reference to the authority to collect tolls?

Mr. DENISON. They have all contained these provisions since an agreement has been reached between the committees of the House and Senate.

Mr. DOWELL. Have all bridge bills contained these provisions at this session of Congress?

Mr. DENISON. All have except where there was an act of Congress passed some years ago granting consent and this Congress merely passed a bill extending the time to begin and complete the bridge.

Mr. DOWELL. And hereafter—

Mr. DENISON. And hereafter, as far as the committee of the House is authorized to control the matter, bridge bills will contain these provisions I have just been discussing.

Mr. ALMON. Will the gentleman yield?

Mr. DENISON. I will.

Mr. ALMON. If a bridge is built by private capital over a navigable stream, a toll bridge, who regulates the toll of that bridge?

Mr. DENISON. The owner of the bridge can regulate the tolls and fix them as he chooses; but it is always subject to regulation by the Chief of Engineers and the Secretary of War, and if the owner of the bridge makes the toll unreasonably high so that there is complaint, the Secretary of War has authority to make an investigation, and if necessary he can reduce the tolls.

Mr. SINNOTT. Will the gentleman yield?

Mr. DENISON. I will.

Mr. SINNOTT. The gentleman believes that these toll bridges will be taken over by the cities, counties, or States?

Mr. DENISON. I think it may become desirable.

Mr. SINNOTT. Does the gentleman think it would be wise to have inserted in the bill some provision giving the cities,

counties, or the States some say in the construction of bridges that they are eventually to pay for?

Mr. DENISON. I do not think that would be practical, because we do not know that they will ever take them over, and it would not be fair to the owner of the bridge to require him to submit plans to be approved by somebody who has no interest in it at that time.

Mr. SINNOTT. Well, they have an ultimate interest in it, and it seems to me they should be consulted in some way and be given some voice in the matter.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. CANNON. Will the gentleman insert in his remarks the standard forms he refers to, adopted by the committee?

Mr. DENISON. Yes. I shall do that. Now, let me continue my discussion.

Eighth. The right to collect tolls for the use of a bridge located on a public highway is a franchise which no one can possess and enjoy without express legislative authority. (Elliott on Roads and Streets, Vol. I, page 57; Covington Draw Bridge Co. v. Shepard, 21 Howard 112.)

I may state that in my judgment this country has a great many toll bridges whose owners are illegally collecting tolls, because Congress did not in the franchise confer the right to collect tolls. That applies, of course, only to interstate bridges.

Generally speaking, the States have passed general laws granting the right to individuals or bridge companies to construct or operate toll bridges over rivers within their borders. Until Congress acts upon that subject there is no objection to such State legislation. The general bridge law of March 23, 1906, provides that where tolls are collected they shall be just and reasonable and may be changed at any time and from time to time by the Secretary of War. Subject to that regulation by the Federal Government, State legislation is sufficient, generally speaking, for toll-bridge franchises, where the bridge is located wholly within the State. Therefore the committee does not deem it necessary for Congress to grant the right to collect tolls on such bridges.

But it is different where the bridge is located on an interstate waterway. The States have no constitutional power to grant the right to collect tolls on such a bridge. That question was very fully considered by the Supreme Court in the case of Cincinnati Bridge Co. v. Commonwealth of Kentucky (154 U. S. 204).

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois may have time enough to conclude the reading of the manuscript address which he has prepared.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that the gentleman from Illinois may have time enough to conclude the reading of the manuscript address which he has prepared. Is there objection?

Mr. DENISON. I shall not take over 10 minutes.

Mr. BEEDY. Reserving the right to object, Mr. Speaker, there are gentlemen here waiting for their turn under the Private Calendar. I do not want to be discourteous to the gentleman from Illinois, but can he not extend his remarks in the Record?

Mr. DOWELL. Mr. Speaker, this is a very important matter. I think the House should hear the gentleman from Illinois. It will only require a few moments.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

Mr. WOODRUFF. Reserving the right to object, I think the gentleman ought to ask for a definite amount of time. He has been going on now about 15 minutes longer than he requested originally.

Mr. BANKHEAD. Mr. Speaker, I was not aware, when I made the request, that there was such a pressure for consideration. I limit my request to another 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

Mr. DENISON. I am very much obliged to the gentleman. I will not ask for any further time for myself, I am sure.

The SPEAKER pro tempore. The gentleman is recognized for 10 minutes more.

Mr. DENISON. The authorities were reviewed by the Supreme Court in that case and the principle involved was definitely settled.

It was there held that travel or traffic going over an interstate bridge is interstate commerce and is subject to regulation by Congress only. The Federal Government alone can grant the right to collect tolls on a bridge over an interstate waterway.

Congress has not yet passed any general legislation for that purpose. Therefore where applications are made to Congress for its consent to construct toll bridges over interstate waterways, it is necessary that the bills contain specific provisions authorizing the collection of tolls.

For the present the committee believes that it is in accordance with sound policy and the public interest to allow State laws governing the granting of franchises for toll bridges within the States to control, subject, of course, to such regulation as the Federal Government has provided in the act of March 23, 1906, which gives the Secretary of War the right to fix the tolls in a proper case; and it is unnecessary to have a Federal grant of power to collect tolls on such bridges.

Eighth. Many of the States do not have general laws giving the right to private persons or corporations to condemn private property for the purpose of constructing a bridge over navigable waters that form their boundary lines. Very often it is necessary for a bridge company to have the right of eminent domain in order to secure title to the necessary lands for bridge approaches. Therefore the committee feels that in granting to private persons or corporations the right to construct interstate bridges, the bill should contain provisions expressly granting the right to condemn lands and other property needed for the construction of the bridge. In the case of *Luxton v. North River Bridge Co.* (153 U. S. 525), the power of Congress to grant the right of eminent domain to a bridge company was considered by the Supreme Court. In that case Congress created a private corporation and granted it the right to construct a bridge and approaches across the North River and expressly conferred upon the corporation the power of eminent domain in order to enable it to secure the necessary lands and other property for its approaches. The Supreme Court held that was within the power of Congress and was a proper exercise of its power.

Ninth. On November 23, 1886, Attorney General Garland made a ruling to the Secretary of War (vol. 18, Attorney General's Reports, p. 512), in which he held that a bridge franchise can not be assigned without the express consent of Congress to do so; that the terms "heirs and assigns" usually inserted in bridge bills, bear simply the common law interpretation of words of limitation to the estate granted, and are not sufficient to give the holder of a bridge franchise the right to assign it to other parties, and this view has been sustained by the courts.

Therefore the committee thinks that bills granting the consent of Congress, particularly to private persons and corporations, should contain express provisions giving the right to assign, transfer, and otherwise convey the franchise.

The committee has expressed these principles and policies in a set of forms for the various kinds of bridges that are being constructed to-day and for which Members will be asked to secure legislation. They have been very carefully considered and I shall ask permission to insert them in the RECORD as a part of my remarks. They include the following kinds of bridges:

1. An ordinary railroad bridge.
2. A free highway bridge, intrastate.
3. A free highway bridge, interstate.
4. A municipally owned toll bridge, intrastate.
5. A State bridge, intrastate.
6. A privately owned toll bridge, intrastate.
7. A municipally owned toll bridge, interstate.
8. A privately owned toll bridge, interstate.
9. A privately owned bridge, international.

Mr. Speaker, I shall ask permission to insert, following my remarks, the different forms of these bridge bills.

Mr. BRIGGS. They are the forms that have been agreed upon between the House and the Senate committees?

Mr. DENISON. Yes; substantially. We have had repeated conferences on the subject, and these forms have in substance been agreed upon.

Mr. BLANTON. That will be most valuable information to us all.

Mr. DENISON. Yes. Members can use these forms and draft their own bridge bills.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DENISON. Until quite recent years it was the settled doctrine that the only jurisdiction Congress had with reference to bridges was based on the right under the commerce clause of the Constitution to regulate commerce on the waterway over which the bridge was constructed. But now the Federal courts are recognizing the interstate character of the highways themselves, although located wholly within the boundaries of a single State. When Congress entered upon the policy of appropriating funds from the Federal Treasury to improve rural post

roads and to encourage the States in the construction of through highways we took the first step toward assuming jurisdiction over the highways themselves as avenues of interstate commerce.

And it must be apparent to everyone that if we continue forward in the policy of the Federal Government appropriating, and the States accepting, funds from the Federal Treasury for the improvement of the highways of the country, such highways will more and more assume an interstate character and be used more and more for interstate traffic and transportation. In the case of *United States against Babcock*, decided in the District Court of the United States for the District of Indiana, and affirmed in the United States Court of Appeals for the Seventh Circuit on December 9, 1925, the defendant was enjoined from cutting a drainage ditch through the Lincoln Highway, which he was permitted to do under the statutes of the State of Indiana, except under conditions which would restore the highway for the safe use of the public, on the ground that it was used for interstate traffic and for carrying United States mails.

In granting the injunction the district court said:

Lincoln Highway is now, and for a long time prior to the beginning of the drainage proceedings was, a national trunk highway connecting the city of Washington, in the District of Columbia, with the city of San Francisco, Calif.; is a rural post road through Allen County, Ind.; is in constant use in interstate commerce and traffic; and is, in fact, fit for and subject to being used by the United States Government for military purposes.

* * * It is not necessary in this decision to decide whose duty it is to repair the highway. That may properly be left to the State courts. It is only necessary to decide for the purpose of this action that no one, whether acting under private contract or under an order from a State court, has the right to destroy this national highway, which is used in interstate traffic and for carrying the mails, without first providing for the proper replacement of that part of the pavement which it is proposed to destroy.

Other recent cases in which the courts have discussed and recognized the interstate character of highways are the *Michigan Public Utilities Commission v. Coral W. Duke* (266 U. S. 571); *A. J. Buck v. E. V. Kuykendall*, director of public works of the State of Washington (267 U. S. 307); *George W. Bush & Sons Co. v. William M. Malloy*, and others (267 U. S. 317). In *Buck against Kuykendall*, the Supreme Court held an act of the State of Washington, placing certain restrictions on the use of its highways, to be a regulation not of the use of its highways but of interstate commerce on the highways, that the effect of the statute upon interstate commerce was not merely to burden it but to obstruct it; and the court held that such State action is forbidden by the commerce clause of the Constitution.

The court further significantly said—

it also defeats the purpose of Congress expressed in the legislation giving Federal aid for the construction of interstate highways.

In the case of *Bush Co. against Malloy* the Supreme Court said:

The Federal aid legislation is of significance, not because of the aid given by the United States for the construction of a particular highway, but because those facts make clear the purpose of Congress that State highways shall be open to interstate commerce.

These decisions and others that might be cited show clearly that the Federal courts now recognize not only the interstate character of traffic on the highways but the interstate character of the highways themselves. This is the result of Federal aid legislation for the construction of the highways and for the improvement of post roads, and from the interstate character of the traffic on the highways which their improvement is encouraging and increasing.

So that it may now be said that the Federal Government has jurisdiction over the construction of toll bridges over the navigable waters of the country not only because of commerce on the waterways but because of the commerce on the highways as well. And when Congress grants its consent for the construction of a toll bridge over its navigable waters and which is located on or connects with any part of the system of Federal aid highways, it is a franchise which may directly affect interstate commerce, both on the water and the highway, and Congress may attach to the grant any conditions or limitations which it thinks proper to protect such commerce and promote the public welfare.

Members desiring to file bridge bills will know of course whether the bridge is to be a railroad or a highway bridge, whether it is to be a free or toll bridge, whether it is to be constructed by private individuals or by a municipality, whether

it is to be constructed over an intrastate, interstate, or international waterway; by using the appropriate form the bill will meet the approval of the House committee and, I think, of the Senate committee.

Mr. CRUMPACKER. Mr. Speaker, will the gentleman yield for a question right there?

Mr. DENISON. I will.

Mr. CRUMPACKER. Why would it not be advisable in the case of a State bridge to delegate some authority to the highway commission to sit in on the consideration of the bridge?

Mr. DENISON. I will say to the gentleman from Oregon that I do not think we should delegate our authority to anyone. We ought not to give the State highway departments the right to veto bridge bills that we decide to pass. In other words, we ought not to resign our jurisdiction over bridges to the State highway departments. [Applause.]

Following are the forms I referred to:

No. 1

(Form for railroad bridge)

A bill granting the consent of Congress to _____ to construct, maintain, and operate a railroad bridge across the _____ River

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That the consent of Congress is hereby granted to _____, its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the _____ River at a point suitable to the interests of navigation between _____ and _____, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to _____, its successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

No. 2

(Form for free highway bridge, intrastate)

A bill granting the consent of Congress to _____ to construct, maintain, and operate a free highway bridge across the _____ River

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to _____, its successors and assigns, to construct, maintain, and operate a free highway bridge and approaches thereto across the _____ River at a point suitable to the interests of navigation, between _____ and _____, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to _____, its successors and assigns, and any party to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such party.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

No. 3

(Form for free highway bridge, interstate)

A bill granting the consent of Congress to _____ to construct, maintain, and operate a free highway bridge across the _____ River

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to _____, its successors and assigns, to construct, maintain, and operate a free highway bridge and approaches thereto across the _____ River at a point suitable to the interests of navigation, between _____ and _____, in accordance with the provisions of an act entitled, "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to _____, its successors and assigns, and any party to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure, or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such party.

SEC. 3. There is hereby conferred upon _____, its successors and assigns, all such rights and powers to enter upon lands and to acquire,

condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is located, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

No. 4

(Form for municipally owned bridge, intrastate)

A bill granting the consent of Congress to _____, its successors and assigns, to construct, maintain, and operate a bridge across the _____ River

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to _____, its successors, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the _____ River at a point suitable to the interests of navigation between _____ and _____, in accordance with the provisions of an act entitled, "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed _____ years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

No. 5

(Form for State bridge, intrastate)

A bill granting the consent of Congress to the State of _____, to construct, maintain, and operate a bridge across the _____ River

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State of _____ or (the highway department of the State of _____), to construct, maintain, and operate a bridge and approaches thereto across the _____ River, at a point suitable to the interests of navigation between _____ and _____, in accordance with the provisions of an act entitled, "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

No. 6

(Form for privately owned toll bridge, intrastate)

A bill granting the consent of Congress to _____, its successors and assigns, to construct, maintain, and operate a bridge across the _____ River

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to _____, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the _____ River at a point suitable to the interests of navigation between _____ and _____, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of _____, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interests in real property necessary therefor, by purchase or condemnation in accordance with the laws of such State governing the

acquisition of private property for public purposes by condemnation. If at any time after the expiration of — years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of — under the provisions of section 3 of this act, and if tolls are charged for the use thereof, the rates of tolls shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed — years from the date of acquiring the same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The —, its successors, and assigns shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion cost. The Secretary of War may at any time within three years after the completion of such bridge investigate the actual cost of constructing the same, and for such purpose the said —, its successors, and assigns shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War, as to the actual original cost of the bridge, shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to —, its successors, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure, or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

No. 7

(Form for municipally owned toll bridge, intrastate)

A bill granting the consent of Congress to —, its successors and assigns, to construct, maintain, and operate a bridge across the — River

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to —, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the — River at a point suitable to the interests of navigation between — and —, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon —, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property in such State.

SEC. 3. The said —, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to

pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed — years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

No. 8

(Form for privately owned toll bridge, interstate)

A bill granting the consent of Congress to —, its successors and assigns, to construct, maintain, and operate a bridge across the — River

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to —, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the — River at a point suitable to the interests of navigation between — and —, in accordance with the provisions of the act entitled, "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon —, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The said —, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of —, the State of —, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of — years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or political subdivisions thereof as provided in section 4 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed — years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 6. The ———, its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the actual cost of constructing the same and for such purpose the said ———, its successors and assigns shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act, is hereby granted to ———, its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

No. 9

(Form for toll bridge, international)

A bill granting the consent of Congress to ———, its successors and assigns, to construct, maintain, and operate a bridge across the ——— River

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to ———, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the ——— River, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation between ——— and ———, in accordance with the provisions of the act entitled, "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the approval of the proper authorities in ———.

SEC. 2. There is hereby conferred upon ———, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of ——— needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of ———, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The said ———, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and in accordance with any laws of ——— applicable thereto, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act, is hereby granted to ———, its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

PRIVATE CALENDAR

The SPEAKER pro tempore. The next order of business under the unanimous-consent agreement is the call of the Private Calendar at the place where we stopped last time in the consideration of bills to which there is no objection.

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to return to Calendar Nos. 137 and 138, bills on the Private Calendar. Those bills were objected to by the gentleman from Texas [Mr. BLACK] the last time the Private Calendar was heard. He is satisfied now with regard to two of them.

The SPEAKER pro tempore. Before that request is put, the Chair is advised that No. 197 was called at the last session, and the call will begin with Calendar No. 198.

Mr. STRONG of Kansas. I ask unanimous consent, Mr. Speaker, to return to Private Calendar Nos. 137 and 138.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent to return to Private Calendar Nos. 137 and 138. Is there objection?

Mr. BEEDY. Reserving the right to object, Mr. Speaker, are we now considering these bills unobjected to on the Private Calendar in the House as in Committee of the Whole?

The SPEAKER pro tempore. Yes; in the Committee of the Whole, under the order adopted this morning.

Mr. BLANTON. Mr. Speaker, reserving the right to object, what would be the attitude of the gentleman from Maine if the introducers of each one of these 15 bills should make this same request?

Mr. UNDERHILL. The gentleman is only asking to return to the consideration of two bills.

Mr. BLANTON. But suppose others should make the same request? What would be the attitude of the gentleman from Maine on that?

Mr. BEEDY. I would not permit 15 bills to be taken up when these other Members, who have never had a chance, are here waiting, but I do not feel like objecting under these circumstances.

Mr. STRONG of Kansas. These are two bills reported by the committee of which I am the chairman.

Mr. BLANTON. What do the bills provide?

Mr. STRONG of Kansas. One of them is for the relief of a man who had a contract with the Government regarding the preparation of pictures which were used during the war.

Mr. BLANTON. How much does that involve?

Mr. BLACK of Texas. If the gentleman will yield, I will explain. The reason I objected to that particular bill on the last Private Calendar day was because it involved two items, one of \$11,644.14, which was the actual cost of the production of the films which were turned over to the War Department and which the War Department used, and the other item was for \$4,775.83, which Mr. Brennan lost in an effort to market the films himself. I did not think he should be allowed the latter amount; that the Government was in no way responsible for this loss; and it has been agreed that an amendment shall be offered and agreed to reducing the amount by \$4,775.83, which will bring the bill down to \$11,644.14, which was the actual amount expended in the production of the films which the War Department used.

Mr. BLANTON. I am for that bill. Now, what does the other one involve?

Mr. STRONG of Kansas. The other bill is where our Navy Department took a house in Europe, rented it, cleared out the owner's furniture, used the house as an office, stored the furniture, and the house was burned down. It was used by Admiral Sims and without the owner's consent. The furniture was destroyed.

Mr. BLANTON. How much does that bill involve?

Mr. STRONG of Kansas. About £2,000.

Mr. BLANTON. That is about \$10,000?

Mr. STRONG of Kansas. A little less than \$10,000.

Mr. WOODRUFF. What kind of a house was this?

Mr. STRONG of Kansas. It was a large estate and the amount has been appraised by an Army board.

Mr. BLANTON. Was it not insured?

Mr. STRONG of Kansas. Credit was given for the insurance the man carried. It was a house commandeered by Admiral Sims for use as an office.

Mr. WOODRUFF. Without the consent of the owner?

Mr. STRONG of Kansas. Yes.

Mr. BLACK of Texas. Mr. Speaker, still further reserving the right to object, in further reference to the agreement we have made about this amendment to the Brennan bill, I would like also to get an assurance from the gentleman from Kansas that he will insist on the amendment and protect the rights of the House in this amendment when the bill goes to the Senate. In other words, we are only agreeing to \$11,644.14.

Mr. STRONG of Kansas. I will say to my friend that while I think the whole bill is absolutely just, I will certainly keep faith with the House in the matter.

The SPEAKER pro tempore. Is there objection to returning to Nos. 137 and 138 on the Private Calendar?

There was no objection.

PERMISSION TO FILE VIEWS

Mr. FORT. Mr. Speaker, I ask unanimous consent to file views on the Haugen bill, No. 11603, and have until midnight to-morrow to file them.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent that he have leave until midnight to-morrow to file his own views upon the so-called Haugen bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will call Calendar No. 137.

ULRIC O. THYNNE

The first business on the Private Calendar was the bill (H. R. 3446) for the relief of Ulric O. Thynne.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ulric O. Thynne, of London, England, the equivalent of £2,010 4s. 5d. in United States money, as reimbursement for damages to building known as No. 30, Grosvenor Gardens, London, S. W. 1, England, owned by him, and for damage to and destruction of furniture and furnishings therein while under lease to the Navy Department from July 16, 1917, to December 19, 1919.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LESLIE WARNICK BRENNAN

The next business on the Private Calendar was the bill (H. R. 2237) for the relief of Leslie Warnick Brennan.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Leslie Warnick Brennan the sum of \$16,419.97, being the amount expended by him in taking and distributing motion pictures used by the War Department in instruction during the World War.

Mr. BLACK of Texas. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Strike out the figures "\$16,419.97" in line 6 and insert the figures "\$11,644.14."

Mr. BLACK of Texas. Mr. Speaker, this is the amendment which has been agreed upon by the gentleman from New York [Mr. DAVENPORT], who introduced the bill, and the Committee on War Claims that reported out the bill.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOSEPH L. RAHM

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to return to No. 148 on the calendar, a bill (H. R. 7429) for the relief of Joseph L. Rahm. This bill was passed over at the last Private Calendar day upon the request of Mr. BLACK of Texas, who has since studied the bill and now has no objection to offer.

Mr. UNDERHILL. Mr. Speaker, I hate very much to do it, but we must stop this somewhere, and I object.

CHESTER A. ROTHWELL

The next business on the Private Calendar was the bill (H. R. 9984) authorizing the President to reappoint Chester A. Rothwell, formerly a captain of Engineers, United States Army, an officer of Engineers, United States Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. There is a similar Senate bill upon the calendar, and without objection the Senate bill will be substituted and considered in lieu of the House bill.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to reappoint Chester A. Rothwell, formerly a captain of Engineers, United States Army, an officer of Engineers, United States Army, in the grade, and in the position on the promotion list, provided by the next to last paragraph of section 24a of the national defense act of June 3, 1916, as amended by the act of June 4, 1920: *Provided*, That said Chester A. Rothwell shall not by the passage of this act be entitled to any back pay or allowances

of any kind: *Provided further*, That nothing contained in this act shall operate to increase the number of officers in the Regular Army now authorized by law.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

HAROLD HOLST

The next business on the Private Calendar was the bill (H. R. 1718) for the relief of Harold Holst.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws Harold Holst, late of the United States Marine Corps on the U. S. S. *Sabine*, United States Navy, shall be held and considered to have been honorably discharged from the United States Navy, to date from October 31, 1862: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GUSTAVO TEGERA GUEVARA

The next business on the Private Calendar was the bill (H. R. 3952) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Gustavo Tegera Guevara, a citizen of Venezuela.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ARENTZ. Reserving the right to object, may I ask the gentleman from Ohio [Mr. STEPHENS] how this man happened to be signaled out for appointment by the Secretary of State?

Mr. STEPHENS. He was signaled out as an applicant for appointment at Annapolis, like a great many others who have been chosen from the different countries, the Netherlands, Cuba, and South American countries. His Government has made application through its secretary of state to our Secretary of State.

Mr. ARENTZ. That is what I wanted to find out.

Mr. STEPHENS. They have made the application to admit this student at Annapolis without any cost to the Government of the United States.

Mr. ARENTZ. All I wanted to find out was whether his Government applied to our Government. That satisfies me and I withdraw any objection.

Mr. STEPHENS. That is my understanding. His Government applied to our Government and it passed through the hands of the Secretary of State and was approved by the Secretary of the Navy and by the committee.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to permit Mr. Gustavo Tegera Guevara, a citizen of Venezuela, to receive instruction at the United States Naval Academy at Annapolis: *Provided*, That no expense shall be caused to the United States thereby, and that the said Gustavo Tegera Guevara shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the course in the various departments of instruction, and that the said Gustavo Tegera Guevara shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or conduct and so recommended by the academic board.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 2761. An act for the relief of Nora B. Sherrier Johnson;

H. R. 2797. An act for the relief of Mary M. Pride;
H. R. 3797. An act to increase the limit of cost of public building at Decatur, Ala.;

H. R. 3971. An act to correct and perfect title to certain lands and portions of lots in Centerville, Iowa, in the United States of America, and authorizing the conveyance of title in certain other lands, and portions of lots adjacent to the United States post-office site in Centerville, Iowa, to the record owners thereof, by the Secretary of the Treasury;

H. R. 7818. An act to amend section 304 of an act entitled "An act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes," approved August 15, 1921;

H. R. 7904. An act granting the consent of Congress to Des Arc Bridge Co. and its successors and assigns to construct a bridge across the White River at Des Arc, Ark.;

H. R. 8817. An act reserving certain described lands in Coos County, Oreg., as public parks and camp sites;

H. R. 9348. An act granting the consent of Congress to the Weirton Bridge & Development Co. for the construction of a bridge across the Ohio River near Steubenville, Ohio;

H. R. 9494. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the Gainesboro-Red Boiling Springs road in Jackson County, Tenn.;

H. R. 9506. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Linden-Lexington road in Perry and Decatur Counties, Tenn.;

H. R. 9503. An act granting permission to the State Highway Commission of the State of Tennessee to construct a bridge across the Tennessee River at Savannah, Hardin County, Tenn., on the Savannah-Selmer road;

H. R. 9505. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Waverly-Camden road between Humphreys and Benton Counties, Tenn.;

H. R. 10002. An act granting the consent of Congress to H. J. Stannert, Harry Weis, and George W. Rockwell to construct, maintain, and operate a bridge across the Susquehanna River from a point in the city of Sunbury, Northumberland County, to a point in the township of Monroe, in Snyder County, in the State of Pennsylvania; and

S. 2296. An act authorizing insurance companies or associations or fraternal or beneficial societies to file bills of interpleader.

F. A. TRAUT

The next business on the Private Calendar was the bill (H. R. 7217) to authorize Capt. F. A. Traut, United States Navy, to accept a decoration from the King of Denmark known as the Order of Dannebrog.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, I objected to this bill the other day, but there is an occasion that is to be pulled off in the city to-morrow, and if I continue the objection it might affect the outcome of what is going to happen. Under the circumstances I feel compelled to withdraw my objection.

Mr. UNDERHILL. The bill the gentleman objected to is on the previous page of the calendar rather than this bill. The gentleman did not object to this bill.

Mr. BLANTON. It is a bill of the same character.

Mr. UNDERHILL. Will the gentleman be courteous enough to withdraw his objection to the other bill?

Mr. BLANTON. Under the circumstances, I will do so.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Capt. F. A. Traut, of the United States Navy, be, and he is hereby, authorized to accept from the King of Denmark a decoration known as the Order of Dannebrog, which was bestowed upon him by King Christian when the U. S. S. *Utah* was on a cruise in European waters.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

LOUIS NEMECK

The next business on the Private Calendar was the bill (H. R. 5085) a bill to remove the charge of desertion from and

correct the naval record of Louis Nemeck, otherwise known as Louis Nemeck.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to review the naval record of Louis Nemeck, otherwise known as Louis Nemeck, late boatswain's mate, second class, United States Navy, assigned to U. S. S. *Richmond*, *Hartford*, *Vermont*, *Buffalo*, *Kearsarge*, *Hancock*, *Buffalo*, *Cleveland*, *Monterey*, *Albany*, and receiving ship at Mare Island, and remove the charge of desertion now standing against him, and to grant him an honorable discharge from said service, and to change the records so that his name will appear thereon from his first enlistment to his final discharge, as Louis Nemeck.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

AUTHORIZING CERTAIN OFFICERS TO ACCEPT DECORATIONS FROM THE REPUBLIC OF CHILE

Mr. COYLE. Mr. Speaker, in view of the courteous withdrawal of objection by the gentleman from Texas [Mr. BLANTON] to Calendar No. 197, may I ask unanimous consent to go back and consider that at the present time?

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to return to Calendar No. 197. Is there objection?

There was no objection.

The Clerk read the title of the bill, as follows:

A bill (H. R. 9319) to authorize certain officers of the United States Navy to accept from the Republic of Chile the order of merit, first class, and the order of merit, second class.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Rear Admiral William C. Cole, Capt. Yancey S. Williams, and Capt. Joseph K. Taussig, all of the United States Navy, be, and they are hereby, authorized to accept from the Republic of Chile the order of merit, first class, and that Lieut. Commander Marshall Collins, of the United States Navy, be, and he is hereby, authorized to accept from the Republic of Chile the order of merit, second class, which have been tendered to each of said officers, through the Department of State, in appreciation of services rendered the said Republic of Chile.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOSIAH OGDEN HOFFMAN

The next business on the Private Calendar was the bill H. R. 10238, a bill for the relief of Josiah Ogden Hoffman.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to appoint Josiah Ogden Hoffman, formerly lieutenant commander in the United States Navy, a lieutenant commander in the United States Navy and place him upon the retired list of the Navy with the retired pay and allowance of that grade: *Provided*, That a duly constituted naval retiring board finds that the said Josiah Ogden Hoffman incurred physical disability incident to the service in time of war: *Provided further*, That no back pay, allowances, or emoluments shall become due as a result of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

HARRY L. ROGERS

The next bill on the Private Calendar was the bill S. 37, an act for the relief of First Lieut. Harry L. Rogers.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Harry L. Rogers, jr., first lieutenant, Infantry, United States Army, out of any money in the Treasury not otherwise

appropriated, the sum of \$700, as reimbursement for the loss sustained by him as commanding officer of the Twenty-fifth Recruit Company, Fort Slocum, N. Y., when such amount was stolen on or about April 1, 1921, by his company clerk, who immediately thereafter deserted.

With the following committee amendment:

In line 6, strike out the figures "\$700" and insert in lieu thereof "\$902.63."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JAMES W. LAXSON

The next business of the Private Calendar was the bill (S. 547) for the relief of James W. Laxson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$182 to James W. Laxson for a refund covering timber taken from his homestead entry.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JAMES DOHERTY

The next business on the Private Calendar was the bill (S. 1131) for the relief of James Doherty.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,250 to James Doherty, of Metaline Falls, Wash., for the destruction of his residence and household effects by fire while being occupied by employees of the Bureau of Public Roads, Department of Agriculture.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CREDITS IN ACCOUNTS OF CERTAIN DISBURSING OFFICERS, DEPARTMENT OF THE INTERIOR

The next business on the Private Calendar was the bill (S. 2993) to allow credits in the accounts of certain disbursing officers in the Department of the Interior.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Texas objects.

Mr. MAPES. Mr. Speaker, will the gentleman withhold his objection.

Mr. BLANTON. Certainly; I reserve my objection.

Mr. MAPES. Mr. Speaker, this bill is recommended by the Department of the Interior and approved by the Director of the Budget, Mr. Lord. It is necessary because of a technical ruling of the Comptroller General. The transactions involved were acted on in one form or another by the Committee on Appropriations of the House of Representatives during two or three sessions of Congress. It is a technical matter. It relates to the action of a deceased former disbursing officer in the Department of the Interior, a man who was in the department for upward of 50 years, who grew up in the department and was gradually promoted from a messenger until he became a disbursing officer. He was highly honored and respected as a citizen of the District, and had the respect of everyone with whom he came in contact. I do not know what the gentleman's objection is, but my information is that this was a man of the highest character and standing in the community and in the department.

Mr. BLANTON. Mr. Speaker, under my reservation I desire to let the gentleman from Michigan know what I have in mind, because I want to be perfectly fair to him and to my colleagues. I have been investigating a good many departments of the Government. We are making appropriations in lump sums. I have found out from investigations that I have

made that the longer a man has been in a department, and the more honored he appears to be, does not have any effect whatever upon his state of mind sometimes when he imagines that both the department and the money that we turn over to him belong to him and not to the Government.

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. It is true that this man had been a long time in the department.

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. UNDERHILL. I rise to say to the gentleman and to others that in justice to the Members who have matters on this calendar objection should be made or not made, and no reservations of objection should be made.

Mr. BLANTON. Mr. Speaker, I should let my colleague from Michigan [Mr. MAPES] know what is in my mind. I do not want him to think I am arbitrarily objecting without some good reason.

Mr. UNDERHILL. But, Mr. Speaker, these gentlemen will have an opportunity to fight this out at some later time.

Mr. BLANTON. I know, but here is a man who was short in his accounts.

Mr. MAPES. Oh, no.

Mr. BLANTON. Well, certain claims of his had been disallowed by law, and the disallowances amount to \$35,150. That is a pretty good big sum of money.

Mr. STEPHENS. Is that a shortage?

Mr. BLANTON. Disallowances, claims that he thinks he should be credited with, and the law says he should not. Now he wants to come in here and pass a law and have these disallowances become a law, so that his account may be credited with that much.

Mr. MAPES. Mr. Speaker, the gentleman from Texas has served as a judge. If he misconstrued a law as judge and gave a judgment to one of the parties in his court, does he think it would be fair to him or to anyone else to require him to pay that judgment where the money had been received by another party?

Mr. BLANTON. But this is not a misconstruction of law. This is an effort to get around the law.

Mr. MAPES. Oh, no.

Mr. BLANTON. This bill seeks to enact a law that will do away with something that is now a law.

Mr. MAPES. But the Secretary of the Interior says that the law was otherwise interpreted for several years, and the Committee on Appropriations so interpreted it.

Mr. BLANTON. I hate to object to this bill, but it should not be passed by default under unanimous consent. We ought to have time to discuss it. Thirty-five thousand four hundred and fifty dollars is a large enough sum of money to discuss here on the floor and let Members know the merits of the case. As long as I am here I am going to raise my feeble voice against letting such bills as this go through by default.

Mr. MAPES. But \$35,450 is not a sufficient sum to warrant doing an injustice to anybody by this great Government.

Mr. BLANTON. If the man has been done an injustice to the extent of \$35,000, it is a large enough matter for the Committee on Rules to grant a rule on. I object.

The SPEAKER pro tempore. The gentleman from Texas objects.

CAPT. GEORGE G. SEIBELS

The next business on the Private Calendar was the bill (H. R. 912) to authorize the Secretary of the Treasury to reimburse Capt. George G. Seibels, United States Navy, the sum of \$170, money stolen belonging to the United States from the said Capt. George G. Seibels while in the discharge of his duties and paid into the Treasury of the United States by him.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Capt. George G. Seibels, Supply Corps, United States Navy, out of any funds not otherwise appropriated, the sum of \$170, said sum being the amount of restitution made by the said Capt. George G. Seibels out of his private funds on account of money stolen from weekly pay envelopes without collusion on the part of said Capt. George G. Seibels, which funds had been prepared in pay envelopes and extracted therefrom by party or parties unknown to claimant.

With the following committee amendments:

Page 2, line 1, at the beginning of the line, insert the words "Supply Corps, United States Navy."

Page 2, line 4, after the word "Seibels," insert the words "Supply Corps, United States Navy."

The amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill for the relief of Capt. George G. Seibels, Supply Corps, United States Navy."

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN MILTON PEW

The next business on the Private Calendar was the bill (H. R. 1538) for the relief of John Milton Pew.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Milton Pew the sum of \$152.63 to reimburse him for cash advanced to pay forest-fire fighters employed by the United States Forest Service during a fire in San Jacinto Mountains, Calif., which occurred in October, 1922.

The committee amendment was read as follows:

Page 1, line 5, strike out "\$152.63" and insert "\$114."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CARROLL MOTOR CO.

The next business on the Private Calendar was the bill (H. R. 4677) for the relief of the Carroll Motor Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ARENTZ. Mr. Speaker, reserving the right to object, I wonder if the gentleman from Florida is here. I would like to ask the gentleman from Massachusetts as to the reference in the bill to a certified check. I desire to know what is the amount of the check.

Mr. UNDERHILL. The amount of the check—

Mr. ARENTZ. It does not show in the report at all what the check was or when it was tendered.

Mr. UNDERHILL. The case was so clear the prohibition officer took the property of this man and disposed of it without notifying him, and perhaps without their knowledge. It is so similar to many other bills of a similar character that—

Mr. ARENTZ. It speaks of the check being tendered, at the bottom of the bill, as follows:

Although said company tendered payment to the Government in the form of a certified check, which was cashed by the Government.

Nowhere in the report does it show there was a check tendered and cashed by the Government. Now, if there was a check tendered and cashed by the Government, what was the amount and when was it tendered to the Government?

Mr. UNDERHILL (reading)—

The basis of the claim of the Carroll Motor Co. is a balance of \$864.29 of the total purchase price of \$1,257.17 which Saulsbury agreed to pay the motor company for the automobile, which remained unpaid at the time of the seizure. After the seizure the automobile was appraised at \$700 for the purpose of release under section 26 of the national prohibition act.

Mr. MORROW. Will the gentleman let me explain that. The check was tendered by the company in payment to the Government. This is an automobile upon which the company had never parted title, and the number had been changed upon it and it was sold.

Mr. ARENTZ. That does not answer the question as to the amount of the check which the Government cashed. I want to know in regard to that, and I see it in the bill. If the bill is not correct, let us change it so that it is correct. It says at the bottom of page 1 of the bill—

said company tendered payment to the Government in the form of a certified check, which was cashed by the Government.

Mr. MORROW. It speaks of it in the bill.

Mr. ARENTZ. But not in the report.

Mr. MORROW. The amount of the claim is \$700.

Mr. ARENTZ. Well, what I am talking about is the check which the Government cashed, which appears in the bill, and

I think we had better not pass this bill until we find out about this check, because I would like to know what it is, amount, and so forth.

Mr. BULWINKLE. If the gentleman will withhold his objection—

Mr. UNDERHILL. If it will expedite the matter, I will offer an amendment that all after the comma in line 11 be stricken out of the bill.

Mr. ARENTZ. If the committee has not gone over the bill sufficiently—

Mr. HUDSON. Mr. Speaker, I rise to object.

Mr. MORROW. Mr. Speaker, I ask that the bill be passed over without prejudice.

The SPEAKER pro tempore. There is no question of passing over the bill without prejudice, because it will remain on the calendar even if there were objection.

CRANE CO.

The next business on the Private Calendar was the bill (H. R. 8345) for the relief of Crane Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEEDY. Mr. Speaker, reserving the right to object for the purpose of asking a question. Is the gentleman from Illinois here? Will the gentleman from Massachusetts please inform me? I notice there were two authorizations here—one of \$20,000 and one of \$12,000—and that despite that limit which was placed in the authorizations, the officers who have had this construction in charge at Fort Sill waked up afterwards to find out that they had permitted themselves to obligate the Government to an amount nearly \$4,000 in excess of the authorization. Is not this a pretty loose way of doing business? Do we make these authorizations and place limits on the amounts to be expended without any purpose? Those limitations having been disregarded, either willfully or negligently, shall we then come in and O. K. everything that is done? If we care to do that, why place any limitation in the first place? Were there some exceptional circumstances surrounding this case which would justify us in overlooking a failure to keep within the amount authorized?

Mr. CARPENTER. I think it was due to a different construction placed on the Revised Statutes. You will notice on the report, first page, it is stated:

The War Department was of the opinion that the claim being for material actually used by the Government, and as the same was used in remodeling a building rather than new construction there appeared to be no violation of section 1136, Revised Statutes, and recommended payment of the same. However, the General Accounting Office held that payment was prohibited by section 1136, Revised Statutes, above noted, and upon review by the Comptroller General, dated August 27, 1924, the case was gone into at length and the settlement of the General Accounting Office sustained.

So then they approved of this payment, but the Comptroller General did not approve it.

Mr. BEEDY. That does not answer my question. Mr. Speaker, I ask that this bill be passed over without prejudice until the gentleman from Illinois can be heard to enlighten us further.

Mr. BLANTON. I reserve the right to object, Mr. Speaker.

Mr. BEEDY. I ask that it be passed over without prejudice until the gentleman from Illinois can be here and explain it.

Mr. BLANTON. The Attorney General says it is not a good bill and should not be passed. The gentleman can ask unanimous consent to have it passed over, Mr. Speaker.

Mr. BEEDY. Mr. Speaker, I ask unanimous consent that it be passed over without prejudice.

Mr. HILL of Maryland. Mr. Speaker, if there is objection to the bill, it still retains its place?

The SPEAKER pro tempore. Yes. The order of the House is to consider bills that are not objected to. The Chair thinks that when there is no objection to the consideration of a bill it has the right to be considered.

Mr. BLANTON. The gentleman from Maine asks unanimous consent to pass it over.

Mr. BEEDY. That has been the procedure heretofore. I understood that when we objected to a bill that took it off the calendar. But it seems that is not the case. I therefore object.

The SPEAKER pro tempore. This bill is on the Consent Calendar.

Mr. BLANTON. The gentleman from Maine objected.

The SPEAKER pro tempore. The Clerk will report the next bill.

FRANK A. BARTLING

The next business on the Private Calendar was the bill (H. R. 9938) for the relief of Frank A. Bartling.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STEPHENS. I reserve the right to object, Mr. Speaker, in order to find out what the bill is about.

Mr. UNDERHILL. This is a matter that comes up frequently. The Post Office Department is authorized to settle for losses by burglary up to \$10,000, but all claims above \$10,000 must be reported back to Congress. Consequently, if it is \$10,050 it has to come before Congress. In this case the amount is \$12,040. This is the only tribunal in which these burglary cases can be settled.

Mr. STEPHENS. I understand that. Seeing that it is a post-office case, I object.

Mr. UNDERHILL. The gentleman is not going to take the time to require us to defend all of these bills?

Mr. STEPHENS. I feel that the bill that I presented here had as much merit as any of these other bills. It was a post-office robbery. I was not given even the chance to explain it.

Mr. UNDERHILL. Mr. Speaker, I call for the regular order. The SPEAKER pro tempore. The regular order is, Is there objection?

Mr. STEPHENS. I object.

Mr. UNDERHILL. Mr. Speaker, may I simply say that is an unreasonable position for the gentleman from Ohio to take. I do not think it will result in his getting any better consideration for his bill later on.

Mr. STEPHENS. I do not believe it will get any better consideration for my bill. I am not doing this with any purpose of showing that there is any feeling against this committee.

Mr. UNDERHILL. The committee considers it so.

Mr. STEPHENS. The committee has no right to consider it so.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. STEPHENS. Yes.

Mr. BLANTON. In this particular case the inspector says he went there, found the safe broken open, found the windows broken open, found the locks open, and the papers scattered all over the floor; and the Postmaster General writes a letter to this Congress and asks us to pay the claim. In that kind of a case I do not feel like objecting.

Mr. STEPHENS. I will reserve my right to object and ask that later on by unanimous consent the bill that I brought up may be considered.

Mr. BLANTON. The gentleman can not make two requests at once.

Mr. MOREHEAD. This is the first claim I ever had.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. STEPHENS. Mr. Speaker, may I make a unanimous consent request?

The SPEAKER pro tempore. The Chair will say that under orderly procedure we should continue the consideration of this bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Frank A. Bartling, postmaster at Nebraska City, Nebr., in the sum of \$12,441.25, due to the United States on account of money and postage stamps stolen from the safe of the post office at Nebraska City, Nebr., when burglarized on the 24th of September, 1924.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOEL C. CLORE

Mr. STEPHENS. Mr. Speaker, I ask unanimous consent that we return to No. 106 on the Private Calendar.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to return to Private Calendar No. 106. Is there objection?

Mr. BLANTON. Mr. Speaker, personally there is nothing the gentleman from Ohio could ask me to do for him that I would not do personally, but this is a bill that is an entirely different kind of a bill, in some respects, from the one we have just passed. There are things about this bill which ought to be discussed. It is a tremendously big bill. It involves a tremendously big sum of money.

Mr. STEPHENS. Not as much as was involved in the bill we just passed.

Mr. BEEDY. If the gentleman from Texas will yield, I want to repeat what the gentleman from Texas said, that I will do anything for the gentleman from Ohio personally. I am not going to object to returning to it, but I want to say it is entirely different from the bill we just passed. There are some objectionable features about it.

Mr. STEPHENS. I do not agree with the gentleman, and I ask permission to present it to the House right now.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent, without passing on the question of whether or not we shall return to the consideration of this bill, that the gentleman from Ohio may have five minutes in which to present this matter to the House, and then let us pass on whether or not we will return to it, so as to give the gentleman a chance to be heard.

The SPEAKER pro tempore. The gentleman from Texas reserves the right to object, and asks unanimous consent that the gentleman from Ohio be permitted to proceed on the bill for five minutes. Is there objection?

There was no objection.

Mr. STEPHENS. Mr. Speaker and gentlemen, this bill is a bill similar to the one we just passed with the exception that the amount involved is a little over \$8,000. The post office in Cincinnati, Ohio, was robbed in 1921. The booths were out in the corridor of the post-office building. They were wooden booths; they had no top to them, and during the noon hour, while the clerk was out at luncheon, this robbery took place. The clerk had been in the service for over 31 years, a man by the name of Vickery, who was then 56 years of age, and he had given splendid service. At noon he went out to get luncheon and was gone 19 minutes. When he came back he found the safe had been opened and money and stamps taken from the safe and from the counter amounting to a little over \$8,000. It was in the corridor, where people were passing by the hundreds every minute or two.

They had a watchman in the corridor to watch these booths out in the corridor, and right across from the corridor were windows where men were working and dealing with the public. It had been the custom for years for the clerk to go out and get his luncheon and come back, and it was during that time the office was robbed. The first inspector who reported on the case reported that they could not lay the blame particularly on anyone, but that the post-office clerk was careless; that he was careless because rule 361 provides that you must lock up your safe whenever you go out of the room and lock up everything in the safe. The clerk raised the question that he had been in the service for 31 years and had never seen this rule; in other words, he had not locked his safe when he went out to luncheon, and therefore a question of carelessness on his part might have been raised. The matter went through all of the departments of the Post Office Department, and the Postmaster General decided that he would not assume the responsibility of passing upon this but would leave it to Congress, because he could not tell what the Comptroller General's opinion would be if he passed upon it and allowed the amount. They notified the surety of this clerk and ordered him to pay the amount that was stolen. The surety answered and set up all of the particulars, holding that the clerk was not careless and that if there was anyone careless it was the Government, by placing the booths out in this corridor. The booths in the meantime were provided with better facilities for protection, and now they have been removed from the corridors entirely and taken into the post-office inclosure, showing that there must have been a certain amount of carelessness upon the part of the Government in placing the booths out there. Of course they did not know there was going to be a robbery. You never know until these things happen, and they come unexpectedly.

It is a case of absolute robbery, and it would be very hard to establish negligence or carelessness on the part of the clerk. But this is for the benefit of the postmaster. The postmaster is held responsible for the shortage. The postmaster's business amounted to over \$3,000,000 every year. They are holding or will hold him responsible for the theft.

Mr. BEGG. Will the gentleman yield there?

Mr. STEPHENS. I want to say to the committee that Postmaster Clore was one of the best citizens of Cincinnati. He died about two months ago, and if this is not allowed they will hold Postmaster Clore's estate good for it.

Mr. BEGG. Will the gentleman yield there?

Mr. STEPHENS. Yes.

Mr. BEGG. As I understand it, they are holding the postmaster responsible for this liability, and even if the liability

was due to the carelessness or the negligence on the part of a clerk the postmaster had nothing to say about the selection or the appointment of that clerk.

Mr. STEPHENS. Nothing whatever.

Mr. BEGG. The Government picked out the clerk.

Mr. STEPHENS. Yes; and the money will come out of the widow's estate, if there is any. That is the situation with respect to the bill.

The SPEAKER pro tempore. Is there objection to returning to the consideration of the bill?

Mr. BLANTON. I reserve the right to object, Mr. Speaker. What says the gentleman from Maine?

Mr. BEEDY. If the gentleman from Texas will permit, if we are going to return to it, I am ready to discuss the bill. If we are going to discuss it before we return to it, I will do that; but I understood that this time was given to the gentleman from Ohio, and I have not interrupted him because I wanted him to be uninterrupted during his five minutes.

Mr. BLANTON. And the gentleman is going to be on the watch if we do return to it?

Mr. BEEDY. I want to return to it if the gentleman wants to do that, because I have given the case a good deal of study.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry. If we grant this unanimous-consent request, then we will return to the bill and there will be an opportunity for the gentleman from Maine to either object or to allow it to go by.

The SPEAKER pro tempore. The present order will merely permit returning to the bill.

Mr. McKEOWN. Mr. Chairman, it seems to me it is unfair to the rest of the Members to be constantly returning to these bills. I think as much of the gentleman from Ohio as any man in the House, but I will be forced to object if it is going to take up any considerable amount of time.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 3432) for the relief of Joel C. Clore.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEEDY. Mr. Speaker, reserving the right to object, I want to say to the gentleman from Ohio and the Members of the House that this case is entirely different from the case which we have just passed, although it is true the amount involved is somewhat similar. In the Ohio case the post office was open in the middle of the day, and the clerk in charge of these funds, whose selection the postmaster has nothing to do with—I grant that, but it is not pertinent to the issue here I think you will agree with me when I have finished—went out to his lunch. He had been in the service 32 years. He was gone 19 minutes. When he came back this money and the stamps had been taken. He claimed he actually did go out of that booth and that he passed two men who were there in the corridors and could have observed him. They were working there as employees in the building. They said he never did go out, or that they never saw him leave that booth. The inspector said that Vickery, who was in charge of the missing property, was efficient enough, but that he had been so long in the service—32 years—that he had evidenced a failure to appreciate the value of the property intrusted to his care or to exercise the degree of care imposed upon him by the law and the postal regulations in the custody of this property.

I am stressing this case because only last week we had a case here involving \$30,000 where there was evidence of negligence, and I objected to it. A day or two later we got a hurry-up message from the Postal Department to the effect there had been complicity by the postmaster himself in the robbery in order to cover up his own deficit. Thirty thousand dollars was saved the Government by not being too ready to approve these bills. Here I give you clear evidence of negligence.

Mr. BLANTON. Will the gentleman yield?

Mr. BEEDY. I yield.

Mr. BLANTON. The gentleman has shown a good case against this bill. Because his floor manager comes from Ohio and is in favor of this Ohio postmaster—what is the gentleman from Maine going to do about it?

Mr. STEPHENS. That statement of the gentleman is not correct.

Mr. BLANTON. Is the gentleman going to stand hitched or give way.

Mr. BEEDY. So far as I am concerned no floor manager has me in charge and nobody claims to have me in charge. I am doing my duty, but the gentleman from Ohio has evidently

resented it and has been unwilling to be fair about it, although I am trying to be fair to him now.

Mr. STEPHENS. I resent that remark of the gentleman.

Mr. BEEDY. The gentleman said we were passing over the matter without giving him a hearing. Now, the gentleman has had his hearing and I want to call your attention to the negligence in the case.

This clerk, so far as his care of the property was concerned, stated that in 32 years he never knew there was such a rule as rule No. 316 in the postal regulations; that these postal regulations were never called to his attention, and yet the testimony shows that every year the regulations were called to the attention of employees. I did not like that statement of Mr. Vickery's. I do not believe it to be the fact.

The inspector said there were numerous statements made by this man in his defense that were not in accordance with the facts, and the inspector spoke rather strongly against this man. I am now talking about Vickery.

Mr. BULWINKLE. But not against the postmaster.

Mr. BEEDY. Because Vickery and his bondsmen are liable and responsible. He did not lock the safes, he did not lock the money drawer, and he is not sure that he even closed the door that went into this booth.

Mr. BLANTON. What is the gentleman trying to do—trying to get up his courage?

Mr. BEEDY. He says he thinks he heard the lock click. All he did was to shut this door leading into this booth that was accessible to everybody around there. He will not say whether the door was actually locked when he left the booth.

If there can be any clearer evidence of negligence than that in any case I want to know it.

Here is another point involved. This man Vickery was represented by bondsmen. The postal authorities alleged that Vickery was careless and then made a demand upon the bondsmen, and the bondsmen—the Fidelity & Surety Co.—answered and said they would not make the losses good.

The inspector said that the bonding company's denials of liability were not meritorious, and yet I find that although the Government could reimburse itself by proceeding against the bonding company, the moment they made a demand there was legislation brought into the House, and the department tells me the suit against the bonding company is being held up until they find out whether we are going to vote that the Government sustain its own loss. What is the use of having bonds in these cases unless we proceed to enforce our rights under them. I am going to satisfy the gentleman from Ohio that I have nothing against him, but that I know something about the facts in this case. I want the suit to proceed against the bonding company, and then if we have not a good case and want to do an act of charity we may properly proceed to consider a bill for the relief of the postmaster.

Mr. STEPHENS. Why does not the gentleman object to the same thing in these other cases?

Mr. BEEDY. Because they are not on the same footing. There is no claim that there was any negligence by anybody in the last case. Mr. Speaker, I object.

HEWSON L. PEEKE

The next business on the Private Calendar was the bill (H. R. 8602) for the relief of Hewson L. Peeke.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. STEPHENS. I reserve the right to object; I would like to find out what the bill is about.

Mr. UNDERHILL. It is set forth in the report, and the report says that this man was injured by a skylight falling on him. He had to go to the hospital and have his head sewed up. He has made a claim for \$500 and we cut it down to \$100.

Mr. STEPHENS. I withdraw my objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of \$500 to Hewson L. Peeke, in full of all claims he may have against the Government for injuries received by him in the United States custom-house building at Sandusky, Ohio.

With the following committee amendment:

In line 6 strike out the figures "\$500" and insert in lieu thereof "\$100."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JAMES HAWKINS

The next business on the Private Calendar was the bill (H. R. 4258) to credit the accounts of James Hawkins, special disbursing agent, Department of Labor.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. I object.

JOHN ROOKS

The next business on the Private Calendar was the bill (H. R. 10160) for the relief of John Rooks.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BEEDY. Reserving the right to object, may I ask somebody what the usual method of appointing these officers is? I see that he was given a recess appointment and they forgot his appointment terminated on the adjournment of Congress and he was given a court appointment, which he has held right along. I do not understand what the necessity is for this bill nor what the usual method of appointing officers is.

Mr. UNDERHILL. I do not know that I do, but Attorney General Sargent requested me to introduce and support the inclosed bill. This man was appointed, given a recess appointment. The fact that it was a recess appointment was overlooked, and he continued to perform the duties of the office.

Mr. BEEDY. Was it a court recess or a congressional recess appointment?

Mr. UNDERHILL. I do not know, but it must have been a recess of Congress. He had to be appointed by Federal authority.

Mr. BEEDY. Then it says he was appointed by the court. Who appointed him? My thought was that this man was appointed regularly and probably was a good fellow, and when it was brought to the attention of the Attorney General he said "fix him up."

Mr. BULWINKLE. Oh, no; the recess appointment was made.

Mr. BEEDY. By whom?

Mr. BULWINKLE. By the President, but for some reason or other his name failed to be sent into the Senate for confirmation at the next session. The Comptroller General held it up. That is in the letter.

Mr. BEEDY. Mr. Speaker, I withdraw my objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized to allow payments covering the salary of John Rooks for services actually rendered as United States marshal for the district of South Dakota from June 8, 1924, to October 30, 1925, inclusive.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

W. F. MORGAREIDGE

The next business on the Private Calendar was the bill (H. R. 816) for the relief of W. F. Morgareidge.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to W. F. Morgareidge, formerly postmaster at Moscow, Idaho, the sum of \$364.30, which amount was paid by the said W. F. Morgareidge to cover loss of war-savings stamps and thrift stamps in the amount of the face value of \$364.30, charged to the postmaster at Moscow, Idaho, and shipped by him in October, 1918, to the postmaster at Potlatch, Idaho, no record appearing that the said stamps were received by the postmaster to whom sent.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A. T. MARIX

The next business on the Private Calendar was the bill (S. 2086) for the relief of A. T. Marix.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEEDY. Mr. Speaker, I reserve the right to object, while I ask the gentleman from Massachusetts or somebody else some questions about the bill.

Mr. BLACK of Texas. Mr. Speaker, it seems that there is no one present who can give us any information on the bill, and I shall object.

Mr. STEPHENS. Mr. Speaker, I can give the gentleman what little information I have.

Mr. BLACK of Texas. If the gentleman wishes to explain the matter, I withdraw the objection temporarily.

Mr. BEEDY. There is no legal liability here, of course. The statement in the report appealed to me that inasmuch as this man neglected to endeavor to save his own property and looked first to the saving of Government papers, we ought to waive any question of legal liability and do what is right by him, but I have an itemized list here of his losses, and I am wondering how he figures up \$2,300.

Mr. BLACK of Texas. Mr. Speaker, we may as well understand one another about claims of this kind. The gentleman from Maine [Mr. BEEDY] correctly states that there is no legal liability in this case, and here we undertake to reimburse this claimant for private apparel to the extent of more than \$2,000. There is a soldier in my district who lost \$40 or \$50 worth of personal property in the Army, and he could collect only for a very small part of it, because the authorities said they were not articles that he was authorized to have under military law. Yet here an effort is being made to pass a bill to reimburse an officer for \$2,300 worth of wearing apparel that he lost in a hotel, which the United States Government had nothing to do with.

Mr. BLANTON. When he admits he saved a great many of his effects himself.

Mr. BLACK of Texas. A bill like this would certainly have to be reduced a great deal before I shall consent to its passage.

Mr. BEEDY. I call attention to an item for five women's evening slippers at \$14 a pair.

Mr. BLANTON. Mr. Speaker, I object.

MAJ. JOHN D. GOULD, QUARTERMASTER CORPS

The next business on the Private Calendar was the bill (H. R. 2676) to allow and credit the accounts of Maj. John D. Gould, Quartermaster Corps, with \$1,646.86, representing various shortages and suspended vouchers in his accounts as disbursing officer during the late war.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. ARENTZ. Mr. Speaker, will the gentleman withhold that for a moment until I can find out his reason for objecting?

Mr. BLANTON. I want to look up one or two matters in respect to it.

Mr. CHINDBLOM. Mr. Speaker, a moment ago the question was raised about passing over bills on this calendar without prejudice. There can be no such thing on this call.

The SPEAKER. The Chair thinks the gentleman is correct.

Mr. BLANTON. I ask that the bill be not considered at this time.

The SPEAKER. That can be done by objection.

Mr. BLANTON. I have understood that one can do anything by unanimous consent within the rules.

The SPEAKER. The Chair does not think that anything can be done here except by objection. The question is, Shall the bill be immediately considered?

Mr. BLANTON. Mr. Speaker, I object. The bill will stay on the calendar.

GEORGE TURNER

The next business on the Private Calendar was the bill (H. R. 5627) for the relief of George Turner.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of money heretofore paid by the United States to George Turner, of Spokane, Wash., as salary for his services as counsel for the United States before the International Joint Commission on Boundary Waters for the months of July, August, September, and October, 1922, amounting to the total sum of \$1,666.64, may be retained by the said George Turner as legal counsel for the said services, disregarding any question which may have been raised as to the validity of said payments, and all disbursing and accounting officers of the Government are hereby released from any liability or alleged liability on account of said payments.

Sec. 2. That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$699.93, to be paid to the said George Turner by the proper disbursing officers of the Government as compensation to him for his serv-

ices as counsel of the said international joint commission for the month of November, 1922, and his expenses necessarily incurred in going from Spokane, Wash., to the city of Washington, and returning to Spokane upon the duties imposed upon him as counsel of the said commission in accordance with the account of the said expenses filed with the Department of State by the said George Turner.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOHN FERRELL

The next business on the Private Calendar was the bill (H. R. 2229) to reimburse John Ferrell.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I make the point of order against the committee amendment, in that it authorizes the Secretary of the Interior to pay certain moneys out of the Treasury. The Secretary of the Interior has nothing to do with it.

The SPEAKER. The gentleman directs his objection to the amendment. He can not properly do so at this time because the amendment is not now pending. The question is, Shall the bill be considered?

Mr. BLANTON. I shall not object to the consideration of the bill.

Mr. ARENTZ. Mr. Speaker, it is my intention to offer an amendment changing the Secretary of the Interior to the Secretary of the Treasury.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of \$487.11 to John Ferrell, to reimburse him for the payment of a judgment obtained in the courts of Utah while he was an employee in the Indian Service on the Uintah Indian Reservation, Utah, upon a claim for which the United States was liable.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of \$585.20 to cover a judgment obtained against John Ferrell in the courts of Utah for an act committed in the course of his duty while an employee of the Indian Service on the Uintah Reservation, Utah, for which the United States was responsible: *Provided*, That said sum may be used to reimburse Mr. Ferrell for such part of the judgment as he has paid and for payment to the proper parties of the balance."

Mr. COLTON. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COLTON: Page 1, line 10, of the committee amendment, strike out the word "Interior" and insert the word "Treasury."

The SPEAKER. The question is on agreeing to the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of John Ferrell."

A motion to reconsider the vote by which the bill was passed was laid on the table.

READJUSTMENT OF WATER CHARGES AND CONSTRUCTION CHARGES ON RECLAMATION PROJECTS

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Michigan asks unanimous consent to proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. Mr. Speaker, there is a possibility at an early day that the bill (H. R. 10429) for the adjustment of certain water-right charges, and so forth, may come before the House. There are certain amendments I may have to suggest in reference to it, and I should like to place them in the RECORD at this point, so any gentlemen interested in these amendments may have an opportunity to familiarize themselves with them,

and I ask unanimous consent to extend my remarks by placing those amendments in the RECORD.

The SPEAKER. Is there objection?

Mr. ARENTZ. Mr. Speaker, reserving the right to object, may I ask whether these amendments are about the same as the ones offered to the committee and adopted by the committee or different ones? The committee has agreed to them, and all the amendments the gentleman has offered to it, and I hope the gentleman is going to ask the House to pass the bill, as it should be passed, and we accept the amendments. As one member of the committee I hope so.

Mr. CRAMTON. I do not understand that they were entirely accepted, but what I am putting in is along the line of that to which the gentleman refers.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. The amendments I suggest are as follows:

(a) In section 41, in lines 18 and 19, on page 27 of the bill, strike out the words "in any manner found by the Secretary of the Interior to be feasible." This language is surplusage unless it is intended to give the Secretary authority without reference to existing law.

(b) In section 41, lines 20 to 24, strike out this proviso:

And provided further, That any surplus water temporarily available may be furnished upon a rental basis for use on lands excluded from the project under this section, on terms and conditions to be approved by the Secretary of the Interior.

(c) Page 28, line 17, strike out the word "charges."

(d) Page 28, lines 22 to 24, strike out the words "or some competent board to be appointed by him, whose findings shall be subject to his approval."

The duty is an administrative one which should be performed by the Secretary through the existing machinery of the Reclamation Service. Our experience with special boards is proven costly in H. R. 10429.

(e) Page 29, lines 7 to 10, strike out "or such other charges as may be fixed by the Secretary of the Interior the advance payment of which may be required, in the discretion of the said Secretary," and insert in lieu thereof "in advance."

(f) Page 29, line 19, after the word "entries," insert the words "under water right."

(g) Page 29, line 21, after the word "other," insert the word "public."

(h) Page 29, line 23, after the word "credit," insert "under public land laws."

(i) Page 30, line 10, after the word "specified," insert "in lieu of the lands eliminated."

(j) Strike out sections 45 to 50, inclusive, and insert in lieu thereof the following:

SEC. 45. The Secretary of the Interior is hereby authorized, in his discretion, to amend any existing water-right contract to the extent necessary to carry out the provisions of this act upon request of the holder of such contract. The Secretary of the Interior, as a condition precedent to the amendment of any existing water-right contract, shall require the execution of a contract by a water-users' association or irrigation district whereby such association or irrigation district shall be required to pay to the United States, without regard to default in the payment of charges against any individual farm unit or tract of irrigable land, the entire charges against all productive lands remaining in the project after the permanently unproductive lands shall have been eliminated and the charges against temporarily unproductive areas shall have been suspended in the manner and to the extent authorized and directed by this act.

The Secretary is authorized, in his discretion, upon request of individual water users or districts, and upon performance of the condition precedent above set forth, to amend any existing water-right contract to provide for increase in the time for payment of construction charges, which have not then accrued, to the extent that may be necessary under the conditions in each case, subject to the limitation that there shall be allowed for repayment not more than 40 years from the date the first payment matured under the original contract, and also to extend the time for payment of operation and maintenance on water-rental charges due and unpaid for such period as in his judgment may be necessary, not exceeding five years, the charges so extended to bear interest payable annually at the rate of 6 per cent per annum until paid, and to contract for the payment of the construction charges then due and unpaid within such term of years as the Secretary may find to be necessary, with interest payable annually at the rate of 6 per cent per annum until paid.

The decision of the Secretary as to the necessity for amending any such contract shall be conclusive.

SEC. 46. No part of any sum hereafter appropriated for any new project or new division of a project shall be expended for construction purposes until a contract or contracts in form approved by the Sec-

retary of the Interior shall have been made with an irrigation district or irrigation districts organized under State law providing for payment by the district or districts of the cost of constructing, operating, and maintaining the works during the time they are in control of the United States, such cost of constructing to be repaid within such terms of years as the Secretary may find to be necessary, in any event not more than 40 years from the date of public notice hereinafter referred to, and the execution of said contract or contracts shall have been confirmed by a decree of a court of competent jurisdiction. Prior to or in connection with the settlement and development of each of these projects the Secretary of the Interior is authorized, in his discretion, to enter into agreement with the proper authorities of the State or States wherein said projects or divisions are located whereby such State or States shall cooperate with the United States in promoting the settlement of the projects or divisions after completion and in the securing and selecting of settlers. Such contract or contracts with irrigation districts hereinbefore referred to shall further provide that all irrigable land held in private ownership by any one owner in excess of 160 irrigable acres shall be appraised in a manner to be prescribed by the Secretary of the Interior and the sale prices thereof fixed by the Secretary on the basis of its actual bona fide value at the date of appraisal without reference to the proposed construction of the irrigation works; and that no such excess lands so held shall receive water from any project or division if the owners thereof shall refuse to execute valid recordable contracts for the sale of such lands under terms and conditions satisfactory to the Secretary of the Interior and at prices not to exceed those fixed by the Secretary of the Interior; and that until one-half the construction charges against said lands shall have been fully paid no sale of any such lands shall carry the right to receive water unless and until the purchase price involved in such sale is approved by the Secretary of the Interior, and that upon proof of fraudulent representation as to the true consideration involved in such sales the Secretary of the Interior is authorized to cancel the water rights attaching to the land involved in such fraudulent sales: *Provided further*, That the operation and maintenance charges on account of lands in said projects and divisions shall be paid annually in advance not later than March 1. It shall be the duty of the Secretary of the Interior to give public notice when water is actually available, and the operation and maintenance charges payable to the United States for the first year after such public notice shall be transferred to and paid as a part of the construction payment.

SEC. 47. Subsections E, F, and L of section 4, act approved December 5, 1924 (43 Stat. L. p. 701), are hereby repealed.

SEC. 48. The purpose of this act is the rehabilitation of the several reclamation projects and the insuring of their future success by placing them upon a sound operative and business basis, and the Secretary of the Interior is directed to administer this act to these ends.

SEC. 49. Pending the execution of any contract under this act or the Interior Department appropriation act for the fiscal year 1927, the Secretary is authorized, in his discretion and when convinced that action looking to execution of contract is being expedited in good faith, to deliver water during the irrigation season of 1926 to the irrigation district, water users' association, or water-right applicant affected, notwithstanding delinquency in the payment of water-right charges which under the law applicable would render such irrigation district, water users' association, or water-right applicant ineligible to receive water.

SEC. 50. The adjustments under sections 1 to 40, inclusive, of this act are declared to be an incident of the operation of the "reclamation law," a final adjudication on the projects and divisions named in such sections under the authority contained in subsection K, section 4, of the act approved December 5, 1924 (43 Stat. p. 701), and shall not hereafter be construed to be the basis of reimbursement to the "reclamation fund" from the general fund of the Treasury or by the diversion to the "reclamation fund" of revenue of the United States not now required by law to be credited to such "reclamation fund."

In large part the changes proposed in sections 45, 46, and 47 are a regrouping to make the situation perfectly clear and unambiguous. Section 45, as I propose, deals with the authority of the Secretary to make a new contract with an old project; the first paragraph dealing with the readjustment authorized in sections 1 to 40; the second paragraph dealing with extension of time for payment of construction charges not accrued; and the third paragraph dealing with extension of accrued charges in the same terms provided in Senate amendment 31 to the Interior Department appropriation bill recently adopted by both Senate and House.

Section 46 deals with construction charges and other matters affecting all new projects hereafter built, in the same language as the Senate and House have recently approved in the Interior Department bill in connection with the Owyhee, Vale, Baker, and Sun River projects, except to omit the mandatory construction sentence.

Section 47 provides for repeal of those subsections of the fact finding law that are superseded by sections 45 and 46.

As to section 48, it sets forth the purpose of the act and directs the Secretary to so administer the law as to accomplish that, but does not give the wide-open grant of indefinite, ambiguous authority found in the committee draft. The first part of the committee section 48 is not needed, as sections 45 and 46 do not require the district to take over the operation of the project as a condition precedent to relief.

Section 50 is to protect the Treasury from any possible claim in the future for reimbursement to the reclamation fund of the amounts wiped off in the readjustment, and also declares the adjudication final.

COMMANDER ALBERT NEWTON PARK, JR.

The next business on the Private Calendar was the bill (H. R. 10177) for the relief of Commander Albert Newton Park, jr.

The Clerk read the title of the bill.

MR. BEEDY. Mr. Speaker, I notice that the act of June 30, 1914, creating the grade of acting chaplain, provides that before receiving a commission in the Navy as acting chaplain, in addition to establishing satisfactorily by examination his fitness to perform the duties of a chaplain, he must have had three years' sea service on board ship. Now, the beneficiary under this bill did not have three years' sea service, but was on shore during part of that time. I want to ask the gentleman what he is going to do about others who have just fallen short of the three years' sea service, who are going to come in here and ask us to jump them ahead on the list of eligibles for appointment?

MR. CRISP. Mr. Speaker, I am glad the gentleman from Maine asked the question, and when he has the facts in the case I am sure he will think Commander Parks rendered a more hazardous and valuable service for the one year in question than he would have rendered had he been at sea. The gentleman correctly states the law. Commander Albert Parks—of course he was not commander at the time—but he was appointed as acting chaplain and served on ship two years. He was then taken from the ship and sent to France with the marines, and he served from February 25, 1918, to March 6, 1919, as chaplain with the marines in the Second Division in France, serving during that third year on the battle front. I want to state to my friend during that time for gallantry on the field of battle, under fire of the enemy, he received the *croix de guerre* and the *fourragère*, both of France, the navy cross, and was recommended for the distinguished-service cross. He was cited by Generals Pershing and Lejeune for distinguished and exceptional gallantry, for administering to dying men on the battle front. He was in the following major engagements with the Second Division: Aisne-Marne, St. Mihiel, and the Meuse Argonne and the following defensive operations: Soissons, Marbache, Champagne (Blanc Mont), and was in the Army of Occupation of Germany.

This bill simply gives him credit for the year's land service while he served with the marines on the battle front in France that he would have received had he spent the third year on a ship. The bill does not require any money; it only advances him nine points higher in his rank as chaplain in the Navy.

MR. BEEDY. That is a splendid record and I am glad I brought the facts before the House. I wonder if the others who are similarly deserving ought not to be provided for?

MR. CRISP. I will say to my friend from Maine, I think there are a few other officers who were of this type. I do not think they participated on the battle front in France, but as to that I can not answer. General Lejeune was the one who drafted this bill. He is much interested in it, for he desires justice done this brave and gallant officer. I was his shipmate for three months last summer. He is a credit to the Navy.

MR. BEEDY. Let me ask the gentleman this question: He feels this is such an exceptional case it would not open the door to numerous other cases who would wish to come in and be jumped into higher rank?

MR. CRISP. I think if any officer went through what this officer went through, he is certainly entitled to credit as much as if he had had service with the fleet at sea for a year. This bill simply corrects a gross injustice done this splendid officer.

MR. BEEDY. I agree with the gentleman.

THE SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That in order to give Commander Albert Newton Park, jr., Chaplain Corps, United States Navy, now a chaplain in the United States Navy, the place he would have held in the list of chaplains of the Navy had his services as chaplain with the Fourth Brigade, United States Marines, in the American Expeditionary Forces from February 25, 1918, to March 6, 1919, been sea service on board

ship instead of shore service overseas, he shall hereafter rank next after William Wytche Elder in the list of chaplains of the Navy: *Provided*, That no back pay or allowances shall accrue by reason of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

OWNER OF THE LIGHTER "EASTMAN NO. 14"

The next business on the Private Calendar was the bill (S. 99) for the relief of the owner of the lighter *Eastman No. 14*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the claim of Franklin P. Eastman, owner of the lighter *Eastman No. 14*, against the United States of America for damages alleged to have been caused by a collision on November 26, 1918, between the said lighter *Eastman No. 14* and the U. S. S. *Wakulla*, at the Thirty-first Street Pier, Brooklyn, N. Y., while the said steamship *Wakulla* was owned by the United States of America and was being operated in its naval transport service, may be sued for by the said Franklin P. Eastman in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of Franklin P. Eastman, or against Franklin P. Eastman in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court; and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months from the date of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

AMERICAN BARGE "TEXACO, NO. 153"

The next business on the Private Calendar was the bill (S. 113) for the relief of the owner of the American barge *Texaco, No. 153*.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of the Texas Co. owner of the American barge *Texaco No. 153*, against the United States of America for damages alleged to have been caused by collision between said vessel and the United States Coast Guard steam tug No. 84, on or about the 4th day of November, 1919, at or near the dock of the Texas Co., at Bayonne, N. J., may be sued for by the said Texas Co. in the District Court of the United States for the District of New Jersey, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of the said American barge *Texaco No. 153*, or against the owner of the said American barge *Texaco No. 153* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next one.

HORACE G. KNOWLES

The next business on the Private Calendar was the bill (S. 978) for the relief of Horace G. Knowles.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$7,296.49 to Horace G. Knowles as salary for the period of March 30, 1909, to July 30, 1909, during which period he was commissioned as a minister of the United States to Nicaragua and was all that whole period under instructions to await orders of the State Department.

With a committee amendment, as follows:

On page 1, line 5, strike out the figures "\$7,296.49" and insert "\$1,066.67."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next one.

SUPPRESSING FOREST FIRES IN MONTANA

The next business on the Private Calendar was the bill (S. 1047) to reimburse the State of Montana for expenses incurred by it in suppressing forest fires on Government land during the year 1919.

The title of the bill was read.

The SPEAKER pro tempore (Mr. MAPES). Is there objection to the present consideration of this bill?

Mr. BLACK of Texas. Reserving the right to object, Mr. Speaker, this claim involves \$26,000, and it may be that it ought to pass, but I would like to have some further time in which to study some of these items.

Mr. EVANS. I am sure the gentleman will find the bill meritorious. I will take a few moments now to explain it, if the gentleman desires.

Mr. BLACK of Texas. For example, there is one item for fire fighting on 684 acres of land, and the total amount charged is \$6,685. That is more than \$10 an acre to fight a fire. That seems to me to be an excessive amount for fighting fire.

Mr. EVANS. Where is that?

Mr. BLACK of Texas. Page 5 of the report.

Mr. KELLER. I think the gentleman is mistaken. That was to prevent the fire from spreading over a larger area.

Mr. BLACK of Texas. The cost of fighting fire on 475 acres was \$4,792.

Mr. LEAVITT. The cost of fighting a forest fire depends on the location of it and the time and the expense of getting a crew and supplies to it. This fire was in a rather inaccessible part of the mountain country in Montana, and the cost is not for just the time spent at the fire, but also to cover the transportation of supplies and men.

Mr. EVANS. The cost of putting out that fire was \$1.01 per acre.

Mr. BLACK of Texas. The last item is for 10,343 acres, at a cost of \$10,445. The cost of fighting some of these fires averaged about \$10 an acre. Unless the gentleman will agree to an amendment of this kind, such as I will suggest, I would not be willing to let these amounts go without further investigation. I suggest to strike out all of the bill after the enacting clause and direct the Comptroller General—

to ascertain and audit all sums of money spent in the State of Montana in the suppression of forest fires on Government land during the year 1919, and report the same back to the Congress, and that the Secretary of the Treasury be authorized and directed to pay these said amounts.

In other words, as I say, I would not be willing to let these amounts pass at this time unless we can have an audit from the Comptroller General.

Mr. BEEDY. I was out of the Hall when this bill was called up. I gave quite a lot of study to this bill last evening, and I had an idea similar to that which the gentleman from Texas [Mr. BLACK] suggests ought to be carried out, because I find nothing in this report on which I could justify my action

in voting for it if I were questioned as to why I voted for such an amount of money to be paid for fighting fire on this acreage other than in accordance with an itemized statement.

Mr. EVANS. Of course, the gentleman will recognize that a fire covering only a tenth of an acre might involve buildings on it and cost many thousand dollars to put out. These people paid this money out because the Government of the United States had made no provision to fight fire upon its own holdings.

Mr. BEEDY. The number of acres multiplied by \$1.01 seems to be the average in some cases and \$10 an acre in others. Approximately all that area of land was swept by fire? What was the process of settlement of claims similar to these? We ought to take the number of acres actually burned over and take the figures of some expert as to the cost per acre. I find nothing like that in this report.

Mr. EVANS. Of course, that would be an impossibility.

Mr. SNELL. I will say to the gentleman from Maine, having had some experience with such fires, that you could not make any such computation as that.

Mr. EVANS. As suggested by the gentleman from New York, you could not get at the claim in that way.

Mr. HUDSON. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is, Is there objection?

Mr. BLACK of Texas. Mr. Speaker, I object.

F. JOSEPH CHATTERTON

The next business on the Private Calendar was the bill (H. R. 1594) for the relief of F. Joseph Chatterton.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, with the understanding that the amendment is to be adopted, I shall not object.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay the sum of \$12,500 to F. Joseph Chatterton, of New Haven, Conn., in compensation for injuries sustained May 17, 1922, in the city of New Haven, Conn., when struck by a United States Army motor cycle.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to F. Joseph Chatterton, of New Haven, Conn., the sum of \$2,467.77, in full settlement against the Government for injuries sustained May 17, 1922, when struck by a United States motor cycle."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ESTATE OF JAMES H. GRAHAM

The next business on the Private Calendar was the bill (H. R. 3691) for the relief of the estate of James H. Graham.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to ask my colleague a question. What was in this automobile when it was taken over?

Mr. WURZBACH. You mean when it was captured?

Mr. BLANTON. Yes.

Mr. WURZBACH. I think the report shows that there was some whisky or liquor in it.

Mr. BLANTON. Why should it not have been confiscated under the law?

Mr. WURZBACH. I do not think the gentleman from Texas understands the bill. Doctor Graham, a reputable physician of San Antonio, during August, 1920, had his automobile stolen. He knew nothing about its whereabouts for a year. It developed that some time in the latter part of August this automobile was captured by customs officers along the border about 300 miles from San Antonio and either the thief or some one to whom the thief had sold the car used it for an unlawful purpose.

Mr. BLANTON. It was not the doctor's whisky?

Mr. WURZBACH. Oh, no.

Mr. BLANTON. One of my constituents drove his car down through San Antonio and on down to Laredo and bought a bottle of mescal and while coming back through San Antonio he had his car confiscated, and they did not give it back to him. I have not filed any claim for him.

Mr. UNDERHILL. I did not know the gentleman had any such constituents.

Mr. BLANTON. Well, I have.

Mr. WURZBACH. I was going to say that I have a different kind of constituency than my colleague.

Mr. BLANTON. So this doctor was wholly blameless?

Mr. WURZBACH. Absolutely.

Mr. HUDSPETH. I understand this was good liquor and not mescal, which the gentleman states his constituent bought.

Mr. WURZBACH. I do not know anything about that.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money not otherwise appropriated, to the estate of James H. Graham the sum of \$700, representing the net proceeds of the sale of an automobile stolen from said James H. Graham, which was seized by United States customs officials and sold by the United States marshal of the southern district of Texas upon order of the court.

With the following committee amendment:

Page 1, line 6, strike out "\$700" and insert in lieu thereof "\$664.13."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

IVY L. MERRILL

The next business on the Private Calendar was the bill (H. R. 5652) for the relief of Ivy L. Merrill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection, the House will consider Senate bill 2818, of similar import, and the House bill will be laid on the table.

Mr. BLANTON. The Senate bill is for the same amount?

Mr. UNDERHILL. The Senate bill is identically the same.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the money in the Treasury not otherwise appropriated, to Ivy L. Merrill a quarter-blood Pottawatomie Indian, the sum of \$500 in full compensation for permanent and lasting injuries received, without negligence on her part, while in the employ of the Government as a civil-service employee at the Shawnee Indian School in Pottawatomie County, Okla.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry. Ought not the language to be "out of any money in the Treasury," instead of "out of the money in the Treasury"?

The SPEAKER pro tempore. The House bill reads "out of any money in the Treasury."

Mr. BLANTON. But there is a mistake in the language of the Senate bill. It is not in proper form because it contains this language: "Out of the money in the Treasury." It ought to be "out of any money in the Treasury."

Mr. UNDERHILL. Mr. Speaker, I move that the word "any" be substituted for the word "the."

Mr. HASTINGS. Mr. Speaker, you are considering a Senate bill?

The SPEAKER pro tempore. Yes.

Mr. HASTINGS. If this amendment is made, it will require the bill to go back to the Senate?

Mr. BLANTON. It would be better to have it corrected.

Mr. HASTINGS. Of course, I grant that the wording suggested is the better form.

The SPEAKER pro tempore. Without objection, the word "any" will be substituted for the word "the."

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ADDISON B. M'KINLEY

The next business on the Private Calendar was the bill (H. R. 6405) for the relief of Addison B. McKinley.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I reserve the right to object. It looks to me as though there is a close question about this claim.

Mr. UNDERHILL. I will agree it is somewhat close, but I think a study of the report will show that the Government or its agents were liable in this case. As a matter of fact, the man having charge, the superior of this man, was disciplined severely by the department later on.

Mr. BLACK of Texas. It is true the Government owned the airplane, but it was not in Government service at that time.

Mr. UNDERHILL. The superior officer of this man gave permission to him to fly during this funeral and the plane crashed. Therefore, it seems to me the Government's agents are positively liable.

Mr. BEEDY. Will the gentleman yield to me?

Mr. BLACK of Texas. Yes.

Mr. BEEDY. Let me ask the gentleman from Massachusetts: If Mr. A, who has no authority to grant certain permission, grants that permission to Mr. B, and during the course of that permission B commits damage, will the gentleman tell me what liability there is on the part of the principal?

Mr. UNDERHILL. I am at a loss how to answer the gentleman, not being a lawyer; and furthermore I must insist that the committee in its judgment, following out precedent, does not consider itself a court of law.

Mr. BLACK of Texas. I think the gentleman is quite right about that.

Mr. UNDERHILL. It must take the equities of the situation into consideration. For the information of the House I just want to tell you where I got that idea. It was down in Judge Crutchfield's court in Richmond, Va., and a young man from Manchester came there in the trial of a case. Judge Crutchfield decided thus and so and the young man turned to the desk behind him and lifted a large volume and turned to the judge to cite him some case which was considered in that volume. The judge said to him, in his delicious southern drawl, "Young man, you are a stranger in this court. If you want to read that book, you will find a nice, quiet, cool, little place upstairs where you will not be disturbed, and you might just as well understand now as later that this is a court of equity and not a court of law." So, following the precedent established by that wonderful jurist in Richmond, Va., I have taken that same attitude on the Committee on Claims.

Mr. BLACK of Texas. Let me say to the gentleman I think we ought to assume a liberal view, of course, but not a rash one. While I think this is a close question, I do not intend to object, although I have some doubt. I think we ought to be very careful not to overpay in a case of this kind. This is a small cottage and it is proposed to pay \$6,000, and from the nature of cottages of this size or as this one is described to be, it seems to me that \$6,000 is an excessive amount.

Mr. UNDERHILL. It would be a rather poor cottage you could build now for \$6,000.

Mr. ARENTZ. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. ARENTZ. I have often seen this cottage and I know where Mr. McKinley lives, although I do not know him personally. I know the man who was killed by the airplane accident a few days before, and I know that Mr. Blanchfield, the flyer, flew over the procession carrying the body and scattered flowers over the grave of this intrepid flyer. On his return from the graveyard he was flying too low and went into a tail spin, could not come out of it, and dropped down on top of Mr. McKinley's house. The house was built by Mr. McKinley, who is a carpenter. It was worth fully \$5,000. It was fully furnished. Mr. McKinley has a family and this represents the savings of his lifetime. The superior officer of the flyer gave him permission to fly and he did so. The flight was in an airplane that was used for carrying mail.

Mr. BLANTON. Will the gentleman yield?

Mr. ARENTZ. Yes; I yield.

Mr. BLANTON. And the evidence shows there were only three rooms injured, one living room, one dining room, and the kitchen. Now, that is a pretty good price for three rooms.

Mr. ARENTZ. I will say to the gentleman from Texas, the building was totally destroyed.

Mr. BLANTON. But the evidence says three rooms were injured; the living room, dining room, and kitchen.

Mr. ARENTZ. I saw the building and it was entirely destroyed.

Mr. BLANTON. What are we going to do—take your word or take the report?

Mr. ARENTZ. Well, I hope you will take my word.

Mr. BLANTON. Of course, I do not mean to cast any reflection on the gentleman's word, but here is the report. What are we going to go by?

Mr. BEEDY. If the gentleman will yield, let us be accurate about it. The report says that the bathroom and two bedrooms were left standing, but will have to be torn down. The living room, dining room, and kitchen were entirely destroyed.

Mr. BLANTON. That is what I said—three rooms destroyed, the living room, dining room, and kitchen.

Mr. BEEDY. The foundation, the basement, the furnace, and the lumber were saved.

Mr. DEAL. Regular order, Mr. Speaker.

Mr. BEEDY. I do not find anything in the evidence here to base this \$6,000 upon, and I think the amount ought to be reduced.

Mr. BLANTON. Will the gentleman permit an amendment cutting this amount down?

Mr. ARENTZ. I do not think it should be amended.

Mr. BLANTON. One thousand dollars a room is a tremendous price.

Mr. ARENTZ. This man has waited quite a while now and I hope the gentleman will not object.

Mr. BLANTON. If the gentleman will accept \$1,000 a room—

The SPEAKER pro tempore (Mr. MAPES). The regular order is called for.

Mr. BLANTON. I shall object if the regular order is called for.

Mr. ARENTZ. Will not the gentleman withhold that a moment and let us see what we can do about this?

Mr. BLANTON. I would not object if the gentleman would not give him more than \$1,000 a room.

Mr. BEEDY. I would suggest to the gentleman from Texas that if we say \$1,000 a room there would be some question whether we mean the rooms left standing and partially injured or only those wholly destroyed.

Mr. BLANTON. I mean the living room, dining room, and kitchen.

Mr. DEAL. Regular order, Mr. Speaker.

Mr. BLANTON. I object.

ROBERT F. YEAMAN

The next business on the Private Calendar was the bill (H. R. 7304) to compensate Robert F. Yeaman for the loss of certain carpenter tools which was incurred by reason of a fire in the Government area at Old Hickory ordnance depot.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Robert F. Yeaman, out of any money not otherwise appropriated, the sum of \$217.70, the value in full of carpenter tools belonging to the said Yeaman and which were destroyed by fire in the Government area at Old Hickory depot on the 4th day of August, 1924.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

NEW YORK CANAL & GREAT LAKES CORPORATION

The next business on the Private Calendar was the bill (H. R. 7678) for the relief of the New York Canal & Great Lakes Corporation, owners of the steamer *Monroe* and barge 209.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the New York Canal & Great Lakes Corporation, owners of the steamer *Monroe* and Barge 209, the sum of \$10,749, as reimbursement for damages sustained by the steamer *Monroe* and Barge 209 when the United States submarine N-3 collided with the said steamer *Monroe* and Barge 209.

With the following committee amendment:

In line 7 strike out the figures "\$10,749" and insert in lieu thereof "\$9,599."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GALEN L. TAIT

The next business on the Private Calendar was the bill (H. R. 8033) to authorize the general accounting officers of the

United States to allow credit to Galen L. Tait, collector and disbursing agent, district of Maryland, for payments of travel and subsistence expenses made on properly certified and approved vouchers.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

Mr. HILL of Maryland. Will the gentleman withhold his objection for a moment?

Mr. BLANTON. If the gentleman wants to make a statement I will do so, but I am backing up the general accounting officer 100 per cent.

Mr. HILL of Maryland. Mr. Speaker, I want to say that on April 3 a similar bill (S. 2907) passed the Senate. This is to reimburse the collector of internal revenue for the district of Maryland, Mr. Tait, for travel and subsistence he paid to H. Clay Powell, one of his agents, while serving in the District of Columbia, which is under the collector of internal revenue for the Maryland district, which apparently was not authorized by law. The matter has been passed on by the accounting office and approved by the Senate. I hope the gentleman will withdraw his objection.

Mr. BLANTON. I am backing up the general accounting officer.

Mr. UNDERHILL. If the gentleman will yield, the gentleman from Texas has made one or two objections on that ground and I think he is under a misconception. The General Accounting Office makes objection to these bills on legal technicalities, not that he objects or questions the merits of the bill. He is simply debarred from indorsing the bill because there is a legal technicality.

Mr. BLANTON. Does the gentleman from Massachusetts say that this is nothing but a legal technicality?

Mr. UNDERHILL. I do.

Mr. BLANTON. The gentleman looked on this as a meritorious bill?

Mr. UNDERHILL. Yes; it is in the report.

Mr. BLANTON. What does the gentleman think about it personally?

Mr. UNDERHILL. I have looked into the bill personally and I believe it is a just bill.

Mr. BLANTON. I will take the gentleman's opinion of it and withdraw my objection.

Mr. HILL of Maryland. I am obliged to the gentleman from Texas.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to substitute an identical Senate bill S. 2907 for the House bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the general accounting officers of the United States be, and they are hereby, authorized and directed to allow credit in settlement of the accounts of Galen L. Tait, collector and disbursing agent, district of Maryland, for payments of travel and subsistence expenses in the sum of \$1,640.16 made to Deputy Collector of Internal Revenue H. Clay Powell for the district of Maryland, on properly certified and approved vouchers, without fraud or negligence on his part.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. HILL of Maryland. Mr. Speaker, I want to thank again the gentleman from Texas [Mr. BLANTON] for withdrawing his objection. If the consideration of this bill had been prevented to-day it might not have had another chance for passage during this session, and I therefore left the hearings before the Military Affairs Committee in order to watch it.

The report on the House bill (H. R. 8033) gives all the facts concerning the Senate bill, and is as follows:

(Report to accompany H. R. 8033)

The Committee on Claims, to whom was referred the bill (H. R. 8033) to authorize the general accounting officers of the United States to allow credit to Galen L. Tait, collector and disbursing agent, district of Maryland, for payments of travel and subsistence expenses made on properly certified and approved vouchers, having considered the same, report thereon with a recommendation that it do pass.

Attached herewith is a letter from the Secretary of the Treasury giving the facts in the case and which is made a part of this report.

FEBRUARY 25, 1926.

HON. CHARLES L. UNDERHILL,
Chairman Committee on Claims,
House of Representatives.

MY DEAR MR. UNDERHILL: Reference is made to your communication of February 3, 1926, inclosing copy of bill (H. R. 8033) for the

relief of Galen L. Tait, now pending before your committee. You request that there be forwarded for the use of your committee all papers, or copies of same, on file in this department relating to the claim with an opinion as to its merits.

The bill authorizes and directs the General Accounting Office to allow credit for \$1,640.16 to cover disallowances due to payments made by Hon. Galen L. Tait, collector of internal revenue, Baltimore, Md., to Deputy Collector of Internal Revenue H. Clay Powell for subsistence expenses paid on properly certified and approved vouchers without fraud or negligence on his part.

Mr. Powell accepted employment as a deputy collector in the collection district of Maryland with the understanding he would be assigned to the Salisbury division, near his home. He was assigned as chief of division and demonstrated exceptional capacity in grasping the work of directing deputy collectors in the collection of delinquent taxes, and because of this Collector Tait also placed the Washington division under the charge of Deputy Powell, with the understanding his post of duty would be retained at Salisbury and he would be allowed the usual subsistence charges when traveling on official business away from that place. On account of Deputy Powell's qualifications it was the wish of Collector Tait that he continue in charge of the Washington division in addition to the Salisbury division, with post of duty at the latter place, which arrangement saved the salary of one chief of division. The Commissioner of Internal Revenue approved Collector Tait's arrangement for the management of both divisions by Deputy Powell, and, accordingly, Collector Tait and the administrative officers of the Bureau of Internal Revenue considered that when Deputy Powell was on official business away from Salisbury, whether in Washington or other places within the collection district of Maryland, he was entitled to reimbursement for the usual subsistence charges.

It appears the Commissioner of Internal Revenue, in approving Collector Tait's arrangement under which it was necessary for Deputy Powell to spend most of his time at Washington on travel allowances, was acting under a misconception of his authority in accordance with a ruling of the Comptroller General, and therefore credits for payments made by Collector Tait to Deputy Powell for subsistence charges at Washington have been withheld by the General Accounting Office, and unless Collector Tait secures legislative relief he will be required to pay \$1,640.16 into the Treasury from his personal funds.

It would be a hardship as well as unfair to require Collector Tait to reimburse the Government for payments he thought legally made in view of the circumstances cited; therefore, this department considers the claim for legislative relief very meritorious, and earnestly urges that the bill be favorably reported by your committee for passage by the House.

Respectfully,

A. W. MELLON,
Secretary of the Treasury.

Mr. HILL of Maryland. I also want to thank the chairman of the Claims Committee, Mr. UNDERHILL.

FREDERICK C. MATTHEWS

The next business on the Private Calendar was the bill (H. R. 2136) for the relief of Lieut. Frederick C. Matthews.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow and credit in the accounts of former Lieut. Frederick C. Matthews, disbursing officer of the American Expeditionary Forces, the sum of \$1,465.33, representing amounts erroneously paid, through misinterpretation of the law, certain officers for commutation of quarters for their dependent sisters and certain shortages in his accounts for the months of October and December, 1918.

With the following committee amendment:

In line 7 strike out the figures "\$1,465.33" and in lieu thereof insert the figures "\$324.85."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

A motion to reconsider was laid on the table.

JOSEPH L. RAHM

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to return to Calendar No. 148 (H. R. 7429) for the relief of Joseph L. Rahm.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent to return to H. R. 7429. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, we would like to know what it is.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summon Joseph L. Rahm, formerly captain in the Dental Corps of the Army of the United States, before a retiring board, to inquire whether at the time of his honorable discharge, December 15, 1922, he was incapacitated for active service and whether such incapacity was the result of an incident of service, and whether said discharge should have been made, and upon the result of such inquiry the President is authorized to nominate and appoint, by and with the advice and consent of the Senate, the said Joseph L. Rahm a captain in the Dental Corps and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for officers of the Regular Army: *Provided*, That the said Joseph L. Rahm shall not be entitled to any back pay or allowances.

The SPEAKER pro tempore. Is there objection to returning to this bill?

There was no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time. Was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOSEPH R. HEBBLETHWAITE

The next business on the Private Calendar was the bill (H. R. 4376) to allow and credit the account of Joseph R. Hebblethwaite, formerly captain, Quartermaster Corps, United States Army, the sum of \$237.90, disallowed by the Comptroller General of the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. Why was not the Comptroller General's report upon this bill placed in the report of the committee?

Mr. STRONG of Kansas. We did not have any report from the Comptroller General.

Mr. BLANTON. Oh, yes; the Comptroller General reported adversely against this bill.

Mr. STRONG of Kansas. I think not.

Mr. BLANTON. I think so, because I happen to know it. He turned this claim down, and the report does not show any statement from the Comptroller General.

Mr. STRONG of Kansas. We wrote to the War Department for the facts in the matter and their recommendation in respect to them.

Mr. BLANTON. The gentleman from Kansas knows, if he has kept up with the matter, that there has been an attempt for two years by the War Department to override the Comptroller General.

Mr. STRONG of Kansas. I do not know that.

Mr. BLANTON. I do. I know it specifically. There has been an effort on the part of the Navy Department to override the Comptroller General, and there is a bill pending here now that the steering committee has stopped the passage of, which would take away from the Comptroller General the power to supervise and audit the accounts of the War Department and the Navy Department.

Mr. STRONG of Kansas. I assure the gentleman that whether the proposition that the Comptroller General has ever considered this case or not has never been brought up to our committee. This bill came to the committee and we took it up with the War Department. We find that this fund is charged against this officer's account, for funds he himself did not have personally anything to do with, and after investigation the War Department recommended that the matter ought to be cleared up.

Mr. BLANTON. I object, Mr. Speaker, because I want to get the report of the Comptroller General.

HARRISBURG REAL ESTATE CO.

The next business on the Private Calendar was the bill (H. R. 6482) for the relief of the Harrisburg Real Estate Co., of Harrisburg, Pa.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEEDY. Mr. Speaker, I reserve the right to object.

Mr. BLANTON. It amounts to \$32,000.

Mr. BEEDY. Yes. To save time and to put the case in a nutshell, if the gentleman from Kansas will accept an amendment making the amount \$26,000, which would be 6 per cent on the \$185,000 bond issue, which this real estate company had to pay while they were waiting for the purchase money to be appropriated by the Congress, I shall not object to the con-

sideration of the bill; but when they extorted from this Government such an exorbitant rental that the Government refrained from renewing the lease because it was so exorbitant, and where subsequently they sold the land to the Government for a good price, I do not think this company should ask us to allow them an extra \$32,000. If they will accept 6 per cent interest, which they had to pay upon the bond issue—approximately \$26,000—I shall not object. Otherwise I shall object.

Mr. STRONG of Kansas. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. BEEDY. Certainly.

Mr. STRONG of Kansas. The proposition is this: It has nothing to do with their bond issue.

Mr. BEEDY. What has nothing to do with their bond issue?

Mr. STRONG of Kansas. The bond issue has nothing to do with the amount the gentleman calculated on this claim.

Mr. BEEDY. Oh, yes; on page 3 of the report it is stated that the amounts you are allowing amount to approximately 6 per cent on the issue of the \$135,000 of bonds, plus the taxes.

Mr. STRONG of Kansas. That is just what they sold it for. This land is sold for that amount of money.

Mr. BEEDY. No; they sold it for two hundred and fifty thousand dollars and odd.

Mr. STRONG of Kansas. But they had to take out the taxes. They sold that to the Government. The Government took possession and held it for two years four months and four days after they agreed on the price, and there is no dispute about the agreement. They agreed to buy this land and to pay this amount of money. They took possession and held the property for two years, and this is only 6 per cent on the amount the Government agreed to pay.

Mr. BEEDY. I have gone into it very carefully; and if the gentleman will accept an amendment to make the amount \$26,000, I shall not object. Otherwise, I shall.

Mr. STRONG of Kansas. I am here as the acting chairman of the committee. The Members who introduced the bill are not here, and I can not voluntarily waive their rights in the matter.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEEDY. Mr. Speaker, I object.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 9634. An act to extend the time for the construction of a bridge across the Arkansas River at or near the city of Dardanelle, Yell County, Ark.

The message also announced that the Senate had passed with amendment the bill (H. R. 10204) providing an additional wing to the District Jail, in which the concurrence of the House of Representatives was requested.

CHESTER G. MAYO

The next business on the Private Calendar was the bill (H. R. 3628) for the relief of Commander Chester G. Mayo.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to allow the sum of \$115 in settlement of the accounts of Commander Chester G. Mayo, Supply Corps, United States Navy, this sum being the amount paid by the said Commander Mayo on account of floral wreaths purchased in connection with the funerals of the late Congressmen Lemuel P. Padgett, Daniel J. Riordan, and James R. Mann, and disallowed by the General Accounting Office.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ROY W. SAAM

The next business on the Private Calendar was the bill (H. R. 6015) to correct the Marine Corps record of Roy W. Saam.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That in the administration of all laws conferring rights, privileges, or benefits upon active, retired, or honorably dis-

charged members of the Marine Corps, the enlistment on August 7, 1918, at Parris Island, S. C., and the honorable discharge on December 30, 1919, at Marine Barracks, navy yard, Philadelphia, Pa., from the Marine Corps, of one John Smith, of Seattle, Wash., shall be held and considered to have been the enlistment and honorable discharge of Roy W. Saam, of Rochester, Mich., born at Washington, Mich., such John Smith and such Roy W. Saam being one and the same person.

SEC. 2. The Secretary of the Navy shall amend the Marine Corps record now in the name of such John Smith so as to show that the enlistment of such John Smith was in reality the enlistment of such Roy W. Saam, and shall issue an honorable discharge to such Roy W. Saam, in his true name, covering such enlistment and discharge.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

CHARLES D. BAYLIS

The next business on the Private Calendar was the bill (H. R. 6149) for the relief of Charles D. Baylis, first lieutenant, United States Marine Corps.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, I notice this bill calls for the payment of \$2,569.14, and the Secretary of the Navy recommends \$1,732.14, and states that is the audited amount of loss. I was wondering why the committee did not accept the statement and suggest a committee amendment to conform with the Secretary's recommendation?

Mr. STEPHENS. I think the committee did, but through some oversight they accepted the amount of the bill.

Mr. BLACK of Texas. If the gentleman will agree to an amendment reducing the amount of the bill to \$1,732.14, I shall not object.

Mr. STEPHENS. I think that was the understanding of the committee.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That there is appropriated out of any money in the Treasury not otherwise appropriated, to be paid to Charles D. Baylis, first lieutenant, United States Marine Corps, \$2,569.14, to compensate him for loss and damage to household goods, clothing, and other personal effects, while the same were being transported on the United States naval tug *Genesee* from Olongapo to Cavite, P. I., during the summer of 1922.

Mr. BLACK of Texas. Mr. Speaker, I offer the following amendment: Line 5, page 1, strike out the figures "\$2,569.14" and insert the figures "\$1,732.14."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: In line 5, strike out the figures "\$2,569.14" and insert in lieu thereof the figures "\$1,732.14."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EMANUEL XUIEREB

The next business on the Private Calendar was the bill (H. R. 7395) for the relief of Emanuel Xuierieb.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated the sum of \$1,750, to reimburse Emanuel Xuierieb, employed lately as overseer of civilian employees and now as chief mechanic at the United States Naval Hospital, Canacao, P. I., for the loss of private funds in the form of Liberty bonds, consisting of one bond of the second issue in the amount of \$500, one bond of the third issue in the amount of \$250, one bond of the fourth issue in the amount of \$500, and one Victory bond in the amount of \$500, which the said Emanuel Xuierieb had placed in the safe in the office of the commanding officer at the United States Naval Hospital, Canacao, P. I., for safekeeping and which were stolen therefrom some time prior to January 6, 1922, by some unknown person or persons.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WALTER STANLEY HAAS

The next business on the Private Calendar was the joint resolution (H. J. Res. 9) granting permission to Walter Stanley Haas, lieutenant commander, United States Navy, to accept a decoration bestowed upon him by the Government of Ecuador.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none.

The Clerk read as follows:

Resolved, etc., That Walter Stanley Haas, lieutenant commander, United States Navy, be authorized to accept diploma and decoration known as the second-class "Abdon Calderon" star conferred upon him by executive decree of the Government of Ecuador, upon the occasion of the visit of a squadron of United States submarines to Ecuador, of which he was the commanding officer, in May, 1921.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

MERRITT W. BLAIR

The next business on the Private Calendar was the bill (H. R. 9371) for the relief of Merritt W. Blair, of Abbott, Harding County, N. Mex., or his transferees.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That Merritt W. Blair, his successors or assigns, be, and are hereby, authorized to select and to receive patent for not to exceed 80 acres of land to be selected from the unappropriated, unreserved, nonmineral, surveyed public lands of the United States, the land selected to be in lieu of and not to exceed in value the land erroneously patented to said Merritt W. Blair on January 27, 1922, under homestead entry Clayton 024795, all interest under the said patent dated January 27, 1922, to be reconveyed to the United States by a duly executed and recorded quitclaim deed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ARCHIE EGGLESTON

The next business on the Private Calendar was the bill (H. R. 4414) for the relief of Archie Eggleston, an Indian on the former Isabella Reservation, Mich.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That there is authorized to be appropriated the sum of \$2,000, or so much thereof as may be necessary, from any funds in the United States Treasury not otherwise appropriated, to enable the Secretary of the Interior to purchase for the use of Archie Eggleston, of Isabella County, Mich., a tract of land not to exceed 40 acres, in full compensation to said Eggleston for the tract allotted and patented to his deceased father, Daniel Joseph Eggleston, pursuant to the treaty of October 18, 1864 (14 Stat. L. 637), which tract was awarded to Allen Hart by decree of the court October 29, 1925, in the District Court of the United States for the Eastern District of Michigan, Northern Division, in equity case No. 60: *Provided*, That the title be acquired by Archie Eggleston for any land that may be purchased for his benefit under authority of this act shall be of the form prescribed by the treaty of October 18, 1864, supra, and contain restrictions against alienation unless with the consent of the Secretary of the Interior.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AUTHORIZING SALE OF PUBLIC LAND IN BAY COUNTY, FLA., TO P. C. BLACK

The next business on the Private Calendar was the bill (H. R. 8937) permitting the sale of lot 9, 16.63 acres, in section 31, township 2 south, range 17 west, in Bay County, Fla., to P. C. Black.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEEDY. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Alabama—I am a little suspicious about Florida land transactions at the present time. As far as I can see, here is a man who bought two lots of land, and here is a statement that I do not quite understand. They say it was afterwards found that it shrunk somewhat in size, and probably lot 9 was supposed to be originally included. Of course, that could not be, because it was clearly stated that this man bought lots 2 and 3, and he got just what he bought. Now why should we sell him lot 9 at a reduced price?

Mr. STEAGALL. Did the gentleman read the statement of the Secretary of the Interior?

Mr. BEEDY. Yes. That is what he says about it. I am not satisfied.

Mr. STEAGALL. There is a longer letter from the Secretary of the Interior, received when this bill was reported before, which goes more in detail with regard to the history of this transaction.

Mr. BEEDY. Would the gentleman from Alabama mind my objecting to it now, so that I can have a chance to look into it?

Mr. STEAGALL. I hope the gentleman will not insist on delaying it, for this reason: As a matter of fact, this man is out, and he got under this survey only 16 and a fraction acres.

Mr. BEEDY. How many acres are contained in the lot?

Mr. STEAGALL. I do not know exactly what amount is included in each lot.

Mr. BEEDY. Did this man buy something and pay for something which he afterwards found he did not get?

Mr. STEAGALL. Yes; unquestionably. It is short 18 acres and a fraction, while this bill permits him only to have 16 acres and a fraction.

Mr. ARENTZ. May I say to the gentleman that we discussed this bill in the Committee on the Public Lands, and I think it has merit. I hope the gentleman from Maine will withdraw his reservation of an objection.

Mr. BEEDY. I withdraw the reservation.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell to P. C. Black lot 9, 16.63 acres, in section 31, township 2 south, range 17 west, Tallahassee meridian, in Bay County, Fla., at the rate of \$1.25 per acre.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

VIRGINIA STRICKLAND

The next business on the Private Calendar was the bill (H. R. 10109) for the relief of Virginia Strickland.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon widows of honorably discharged soldiers, Orrin F. Strickland, late of Company D, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 26th day of December, 1864: *Provided,* That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

AILING R. MAISH

The next business on the Private Calendar was the bill (H. R. 9019) for the relief of Ailing R. Maish.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Ailing R. Maish, who was a member of Company M, Seventeenth United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 4th day of March, 1903: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

ACQUISITION OF BUILDINGS IN FOREIGN COUNTRIES

Mr. PORTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 10200, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10200) for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BLACK of Texas. Reserving the right to object, Mr. Speaker, has the gentleman from Pennsylvania consulted with the minority members of the Committee on Foreign Affairs or the ranking member?

Mr. PORTER. Yes; in a general way. These amendments are extremely minor.

Mr. LINTHICUM. Yes. These amendments are satisfactory.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to concur in the Senate amendments. Is there objection?

There was no objection.

JUDICIAL DISTRICTS IN OKLAHOMA

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9305, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9305) to amend section 101 of the Judicial Code, as amended.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. SUMMERS of Washington, for to-day, on account of official business.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—SETTLEMENT OF THE INDEBTEDNESS OF THE FRENCH REPUBLIC TO THE UNITED STATES OF AMERICA (S. DOC. NO. 102)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Ways and Means and ordered printed:

To the Congress of the United States:

I am submitting herewith for the consideration of the Congress a copy of an agreement dated April 29, 1926, executed by the Secretary of the Treasury as chairman of the World War Foreign Debt Commission, providing for the settlement of the indebtedness of the French Republic to the United States of America. The agreement was approved by me on April 29, 1926, subject to the approval of Congress, pursuant to authority conferred by act approved February 9, 1922, as amended by act approved February 28, 1923, and as further amended by act approved January 21, 1925.

I believe that the settlement upon the terms set forth in the agreement is fair and just to both Governments and recommend its approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, April 30, 1926.

CONFERENCE REPORT--ROCK CREEK AND POTOMAC PARKWAY COMMISSION

The SPEAKER. The Chair lays before the House conference report on the bill H. R. 4785, which the Clerk will report. The Clerk read as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4785) to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of the land authorized to be acquired by the public buildings appropriation act approved March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park having met, after full and free conference have been unable to agree.

F. N. ZIHLMAN,
ERNEST W. GIBSON,
THOMAS L. BLANTON,

Managers on the part of the House.

ARTHUR CAPPER,
W. L. JONES,
WILLIAM H. KING,

Managers on the part of the Senate.

The report was agreed to.

PRIVATE CALENDAR—MARTIN L. DUFFY

The next business on the Private Calendar was the bill (H. R. 1392) for the relief of Martin L. Duffy.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Martin L. Duffy, who served as a private in the Hospital Corps of the United States Army from November 17, 1898, to December 7, 1899, shall hereafter be held to have been honorably discharged from service in the military forces of the United States on December 7, 1899, and shall be eligible to enjoy all rights, privileges, and benefits conferred by law upon enlisted men honorably discharged from such service: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

DANIEL C. DARROCH

The next business on the Private Calendar was the bill (H. R. 3664) to correct the military record of Daniel C. Darroch.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension and homestead laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Daniel C. Darroch shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company B, Fifty-first Indiana Volunteer Infantry: *Provided*, That no pension shall accrue prior to the passage of this act.

With the following committee amendment:

Line 9, after the word "Infantry," insert "on September 15, 1863."

Mr. BLACK of Texas. Mr. Speaker, I move to strike out the proviso in the bill and insert:

Provided, That no back pay, pension, or bounty shall accrue prior to the passage of this act.

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: In line 9, after the figures "1863," strike out the proviso and insert: "*Provided*, That no back pay, pension, or bounty shall accrue prior to the passage of this act."

The amendment was agreed to.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

CYRUS S. ANDREWS

The next business on the Private Calendar was the bill (H. R. 5606) for the relief of Cyrus S. Andrews.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Cyrus S. Andrews, who was a private in Company H, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment on the 26th day of June, 1865: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

Mr. ARENTZ. Mr. Speaker, I think the proviso should be the same as in similar bills we have passed; that instead of the wording of the present bill we should insert:

Provided, That no back pay, pension, or bounty shall accrue prior to the passage of this act.

The SPEAKER. The gentleman from Nevada offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ARENTZ: In line 10, strike out the proviso and insert in lieu thereof the following: "*Provided*, That no back pay, pension, or bounty shall accrue prior to the passage of this act."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

RACHEL THOMAS

The next business on the Private Calendar was the bill (H. R. 5786) for the relief of Rachel Thomas, widow of William Thomas, deceased.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William Thomas, deceased, who was a member of Company A, Fifth United States Artillery, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 23d day of June, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

WILLIAM SMITH

The next business on the Private Calendar was the bill (H. R. 6654) for the relief of William Smith.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, their widows, and dependent relatives William Smith, late of Company D, Sixty-sixth Regiment New York Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the — day of —, anno Domini 186—: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

With the following committee amendment:

In line 10, strike out "the — day of —, anno Domini 186—," and insert "November 4, 1864."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOHN RALSTON

The next business on the Private Calendar was the bill (H. R. 7874) to correct the military record of John Ralston.

The Clerk read as follows:

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers John Ralston, who was a member of Company B, Ninety-eighth Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 23d day of December, 1865: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WALTER KENT, JR.

The next business on the Private Calendar was the bill (H. R. 7024) for the relief of Walter Kent, jr.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$3,000 to Walter Kent, jr., in full compensation against the Government for damages sustained as the result of an accident caused by an Army truck.

With the following committee amendment:

In line 5, strike out "\$3,000" and insert in lieu thereof "\$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM J. NAGEL

The next business on the Private Calendar was the bill (H. R. 7522) for the relief of William J. Nagel.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit to the account of William J. Nagel, former postmaster at Detroit, Mich., the sum of \$177.55, being the amount of a deficit which existed due to the misappropriation of funds in said office for which he was in no way responsible and without fault or negligence on his part, and for which amount his account was debited.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN G. HOHL

The next business on the Private Calendar was the bill (H. R. 7523) for the relief of John G. Hohl.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to pay to John G. Hohl, postal savings clerk, Detroit, Mich., the sum of \$50, being the amount of a wrong payment on postal savings certificate, which was not due to any negligence on his part, and for which his salary has been debited.

With the following committee amendment:

Line 3, strike out the words "That the Postmaster General is authorized and directed to pay," and insert "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HARRISBURG REAL ESTATE CO., HARRISBURG, PA.

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to return to Calendar No. 236, H. R. 6482, a bill for the relief of the Harrisburg Real Estate Co., of Harrisburg, Pa.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, I ask that the bill be reported so that we may know what it is.

The Clerk read as follows:

Be it enacted, etc., That in order to pay the Harrisburg Real Estate Co., of Harrisburg, Pa., reasonable compensation for the use and occupation by the United States, from December 6, 1920, to April 10, 1923, of a tract of 397.22 acres of land in lower Swatara Township, Dauphin County, Pa., used by the War Department during said period, there is authorized to be appropriated from the Treasury out of any sums not otherwise appropriated the sum of \$32,370.90.

Mr. BLANTON. Mr. Speaker, the gentleman from Maine [Mr. BEEDY] made a very reasonable request when he asked that this bill be reduced to \$26,000. If the gentleman will agree to that, I shall not object.

Mr. STRONG of Kansas. Will the gentleman wait just a moment?

Mr. BLANTON. The gentleman seems to have talked the gentleman from Maine out of that nearly \$9,000, and I do not think he should have done it. I think the gentleman from Maine is doing splendid service here. You may criticize him for doing it, but he is doing it for the benefit of the people.

Mr. STRONG of Kansas. Just one moment. This is not a claim in which I have any interest except as chairman of the committee.

Mr. BLANTON. I object, Mr. Speaker, unless the gentleman will agree to the amendment suggested by the gentleman from Maine.

Mr. STRONG of Kansas. Will the gentleman from Texas withhold his objection a moment?

Mr. BLANTON. Certainly.

Mr. STRONG of Kansas. The basis of this claim is this: The Government took possession of this land and agreed on the purchase price, and the purchase price was the amount of the bonds on the land.

Mr. BLANTON. And one-half of the cattlemen in Kansas and in Texas were absolutely ruined during the war, and you have never reimbursed them at all.

Mr. STRONG of Kansas. This has nothing to do with their claims. This is only for the amount of the bonds plus the taxes and interest. There is no profit in this at all.

Mr. BLANTON. I am backing the gentleman from Maine.

Mr. STRONG of Kansas. I have explained it to the gentleman from Maine, and the gentleman has withdrawn his objection.

Mr. BEEDY. I will say to the gentleman from Texas, if the gentleman from Kansas will permit me, that inasmuch as this company originally charged an exorbitant rental for this land under the lease, so exorbitant that the Government could not renew the lease, and then entered into negotiations for the purchase of this land, presumably at a price satisfactory to the company, it would only be fair for them now to deduct something from what they are perhaps morally entitled to for the last three years, and even up the scale. The gentleman from Kansas, however, assures me that this was given special consideration by the committee and that this is property owned by a fairgrounds association; that it is not a real estate speculation by a land company, and that the Government, unable to pay for this land, nevertheless took possession of it, had its buildings on it, used it for three years, and the owners had to pay 6 per cent interest on the bonds of \$185,000 plus the taxes, which made up the \$32,000.

Mr. BLANTON. The gentleman from Maine has had a change of heart—

Mr. BEEDY. I do not want to be unreasonable. I simply want to try to do what is right by every Member of the House and what is for the best interests of the people.

Mr. BLANTON. I regard a \$32,000 bill of this character, upon which the gentleman had an amendment proposing a reduction of \$9,000, which was legitimate—

Mr. BEEDY. A reduction of \$6,000. Thirty-two thousand dollars less \$26,000 means a reduction of \$6,000.

Mr. BLANTON. It is nearly \$7,000, and I believe a bill of that character ought not to come up under these circumstances and be passed by default. I am sorry to do it, but I must object.

NATALIE SUMMERS

The next business on the Private Calendar was the bill (H. R. 9135) for the relief of Natalie Summers.

The Clerk read the title to the bill.

The SPEAKER. Is there objection to the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Natalie Summers, of the city of Washington, D. C., out of any money in the Treasury not otherwise appropriated, the sum of \$506.67, the amount paid by Natalie Summers as premium which she was required to pay on her bond as administratrix of her deceased husband, Maddin Summers, formerly American consul general at Moscow, Russia, and who died at his post of duty in 1918, on funds belonging to the United States and which came into her possession as administratrix and for which she has duly accounted to the United States Government.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MAJOR HARRY L. PETTUS

The next business on the Private Calendar was the bill (H. R. 9237) to reopen, allow, and credit \$1,545 in the accounts of Maj. Harry L. Pettus, Quartermaster Corps (now deceased), for memorial tablet in the Army War College, as authorized by the act of March 4, 1923, and certify the same to Congress, and to reimburse the United States Fidelity & Guaranty Co. the amount paid by that surety company to the Government to settle said accounts.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to reopen the accounts of Maj. Harry L. Pettus, Quartermaster Corps (now deceased), for services and materials in cutting and setting one granite memorial tablet in the Army War College, and allow credit in the sum of \$1,545 in settlement of said accounts in accordance with the act (Private, No. 266, 67th Cong.) approved March 4, 1923; and be it further enacted that the sum of \$1,545 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to reimburse the United States Fidelity & Guaranty Co., surety on the official bond of Maj. Harry L. Pettus, being the amount paid by said surety company to the Government on account of the disallowances previously made in Major Pettus's account.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BELLE H. WALKER

The next business on the Private Calendar was the bill (S. 453) for the relief of Belle H. Walker, widow of Frank H. Walker, deceased, and Frank E. Smith.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, this bill, I see, involves \$48,000. The report covers 18 pages. For that reason I would like more time to study the bill, and I object.

STEAMSHIP "BASSE INDRÉ"

The next business on the Private Calendar was the bill (S. 530) for the relief of the owners of the steamship *Basse Indre* and all owners of cargo laden aboard said vessel at the time of her collision with the steamship *Housatonic*.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claims of the owners of the steamship *Basse Indre* and the claims of all owners of various shipments of merchandise which were laden on board of the steamship *Basse Indre*, at the time hereinafter mentioned, against the United States of America for damages alleged to have been caused by collision between the steamship *Basse Indre* and the steamship *Housatonic* on the 23d day of May, 1919, in the Bay of Biscay, may be sued for by the said owners of the steamship *Basse Indre* and by the said owners of cargo in the District Court of the United States for the Southern District of New York sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suits and to enter judgments or decrees for the amounts of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of said steamship *Basse Indre* and in favor of the said owners of various shipments of merchandise which were laden on board of the steamship *Basse Indre*,

or against the owners of said steamship *Basse Indre*, and the said owners of various shipments of merchandise which were laden on board of the steamship *Basse Indre* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notices of the suits shall be given to the Attorney General of the United States as may be provided by orders of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suits shall be brought and commenced within four months of the date of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THOMAS JEFFERSON SHROPSHIRE

The next business on the Private Calendar was the bill (H. R. 2255) for the relief of Thomas Jefferson Shropshire.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Thomas Jefferson Shropshire, who was a private in Company C, One hundred and seventeenth Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment on the 22d day of January, 1863: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

RANDOLPH FOSTER WILLIAMSON

The next business on the Private Calendar was the bill (H. R. 3378) for the relief of Randolph Foster Williamson.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Randolph Foster Williamson shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, Tenth Regiment Indiana Volunteer Infantry: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. BLACK of Texas. Mr. Speaker, I move to strike out the proviso and insert in lieu thereof "Provided that no bounty, pay, or allowances shall be held to accrue prior to the passage of this act."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment of Mr. BLACK of Texas: In line 9, strike out the proviso and insert provided that no bounty, back pay, or allowances shall be held to accrue prior to the passage of this act.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MORAN TOWING & TRANSPORTATION CO.

The next business on the Private Calendar was the bill (H. R. 4580) for the relief of the Moran Towing & Transportation Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to the Moran Towing & Transportation Co., New York City, the sum of \$340.86, out of any money in the Treasury not otherwise appropriated, as reimbursement for the actual expenses of the tug *Susan A. Moran*, incurred when such tug was ordered by the War Department to perform services on February 11, 18, and 19, 1919, and was forced to remain idle because weather conditions prevented performance on the part of such department.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THEODORE W. GOLDIN

The next business on the Private Calendar was the bill (H. R. 5275) for the relief of Theodore W. Goldin.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Theodore W. Goldin shall hereafter be held and considered to have been honorably discharged from Troop G, Seventh Regiment United States Cavalry, November 13, 1877: *Provided, however,* That no pension shall accrue prior to the passage of this act.

With the following committee amendments:

Line 7, after the word "pension" insert "back pay, or bounty."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

T. LUTHER PINDER

The next business on the Private Calendar was the bill (H. R. 5332) for the relief of T. Luther Pinder.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEEDY. Mr. Speaker, reserving the right to object, I find nothing in the report that shows how the sum of \$8,000 as the cost of the replacement of this launch was arrived at. There are some statements about its costing him \$8,000 to replace it.

Mr. UNDERHILL. The sum originally was \$9,500.

Mr. BEEDY. But \$1,500 is for loss of profits, and it is said that the cost of replacement was \$8,000. Where is the evidence here on which we in this committee can proceed to an intelligent conclusion?

Mr. UNDERHILL. I suppose that the value of a boat is easily ascertained.

Mr. BEEDY. There is no statement here that it was ever appraised, or if so, by whom.

Mr. UNDERHILL. Every one of these boats is taxed. They have to be appraised in order to be taxed. I suppose they took the tax value of the boat.

Mr. BEEDY. I do not want to be captious, I want to help rather than to hinder, but it seems to me that if we, who are working on this Private Calendar, are to be effective in our attempts to assist, we ought to have evidence to work on. I should like to know who appraised the boat, who gives anything in the way of facts to show that \$8,000 is a reasonable cost for the replacement of the craft.

Mr. UNDERHILL. The only thing that I can say is the opinion that \$8,000 for the pilot boat is a reasonable compensation. We cut out any amount they may claim as profits or loss of profits. We never consider that in the committee, but if the gentleman desires to wait until that can be ascertained directly or indirectly, I am willing to let the matter go.

Mr. BLACK of Texas. Mr. Speaker, F. C. Billard, commandant, in his statement to the Treasury Department, on page 3 of the report, says:

The sum of \$8,000 for the replacement of the pilot boat No. 7, together with the sum of \$1,500, as compensation for the loss of her services until she can be replaced, would be a reasonable compensation and would be acceptable to the owner of the boat.

I presume they made some inquiries as to the value of the boat.

Mr. BEEDY. I have no doubt; but we do not know how he arrives at his conclusion.

Mr. BLACK of Texas. I do not know how we could find much better evidence than the opinion of an officer who is thoroughly familiar with vessels of this kind.

Mr. BEEDY. I know Admiral Billard personally, and I have great confidence not only in his judgment but in his integrity. That matter in the report escaped my attention. I withdraw my objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to T. Luther Pinder, of Monroe County, Fla., the sum of \$9,500, out of any money in the Treasury not otherwise appropriated, as compensation for the total loss of the pilot boat No. 7 (*Eola*), caused by being set on fire by the drifting Coast Guard

harbor launch AB-3 (*Cossack*) on the morning of May 9, 1925, in the harbor of Key West, Fla.

With the following committee amendment:

Line 5, strike out the figures "\$9,500" and insert "\$8,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HENRY A. KESSEL CO. (INC.)

The next business on the Private Calendar was the bill (H. R. 7306) to extend the time for execution of proceedings authorized under Private Law No. 81, Sixty-eighth Congress, being an act for the relief of Henry A. Kessel Co. (Inc.)

The Clerk read the title of the bill.

Mr. DEAL. Mr. Speaker, I ask unanimous consent to substitute for this bill the bill S. 2848, an identical bill, which has already passed the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Virginia to substitute the Senate bill for the House bill?

There was no objection.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ARENTZ. Mr. Speaker, I reserve the right to object to the consideration of the bill. I feel that these parties have slept on their rights.

Mr. UNDERHILL. Mr. Speaker, if the gentleman will permit, these parties did not sleep on their rights. This bill was passed in a preceding Congress, and through the illness of the secretary of the gentleman from Virginia [Mr. DEAL] the people were not notified that the legislation had been passed. The gentleman from Virginia feels keenly that his office is largely to blame for this situation. In consequence of that the committee has taken a different attitude with reference to these concerns who do sleep on their rights, and has granted to the Member from Virginia this legislation which we feel he is entitled to.

Mr. ARENTZ. In view of what the gentleman has stated, I withdraw my objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That an extension of not more than four months from the date of the passage of this bill, for the time for institution of the proceedings authorized under Private Law 81, Sixty-eighth Congress, being an act for the relief of Henry A. Kessel Co. (Inc.), be, and is hereby, authorized.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The bill H. R. 7306, of similar title, was laid on the table.

JOHN E. LUBY

The next business on the Private Calendar was the bill (H. R. 7403) for the relief of John E. Luby, of New Bedford, Mass.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the money in the Treasury not otherwise appropriated, to John E. Luby, of New Bedford, Mass., formerly an employee of the Bureau of Lighthouses, Department of Commerce, serving on the United States Lighthouse Service lightship No. 58, the sum of \$85, the sum being in full payment for the losses suffered by said employee by loss of personal property used and reasonably necessary in connection with his official duties on said lightship, which was lost on Nantucket South Shoals December 11, 1905.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

NEIL MULLANE

The next business on the Private Calendar was the bill (H. R. 7524) for the relief of Neil Mullane.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to pay to Neil Mullane, postal savings clerk, Detroit, Mich.,

the sum of \$50, being the amount of a wrong payment on postal savings certificate, which was not due to any negligence on his part, and for which his salary has been debited.

The committee amendment was read as follows:

In line 3, strike out "that the Postmaster General is authorized and directed to pay" and insert in lieu thereof "that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LEWIS J. BURSHIA

The next business on the Private Calendar was the bill (H. R. 8564) for the relief of Lewis J. Burshia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLACK of Texas. Mr. Speaker, at present I object until I see about this. I will reserve the right to object if the gentlemen wants to make a brief statement, but I would like to look into this claim a little further.

Mr. LEAVITT. I will make a brief statement.

Mr. BLACK of Texas. I think I shall object and let it go over.

The SPEAKER. Objection is heard.

GAGNON & CO. (INC.)

The next business on the Private Calendar was the bill (H. R. 8486) for the relief of Gagnon & Co. (Inc.).

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money not otherwise appropriated, the sum of \$3,592 to Gagnon & Co. (Inc.), in full compensation for the erection of a school building at Crow Agency, Mont., in 1915-16.

The committee amendment was read, as follows:

Page 1, line 3, strike out "that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money" and insert in lieu thereof "that there is hereby authorized to be appropriated out of any moneys in the Treasury."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

REBECCA R. SEVIER

The next business on the Private Calendar was the bill (H. R. 1537) for the relief of Rebecca R. Sevier.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, is this the old Sevier claim?

Mr. SWING. I do not think this claim has ever been before the Congress before.

Mr. BLANTON. It is not the old Sevier heir claim?

Mr. SWING. No, sir; it is not.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon widows of honorably discharged soldiers, Valentine J. Sevier, who was a private in Company A, One hundred and twenty-second Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment on the 30th day of January, 1865: *Provided,* That no bounty, pay, or allowance shall be held as accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN J. WATERS

The next business on the Private Calendar was the bill (H. R. 1983) for the relief of John J. Waters.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws John J. Waters shall be hereafter held and considered to have been honorably discharged from the military service of the United States as a private of Company E, Second Regiment Michigan Volunteer Cavalry, on February 4, 1863: *Provided,* That no back pension, back pay, or back allowance shall accrue by virtue of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE ADAMS

The next business on the Private Calendar was the bill (H. R. 4614) to correct the military record of George Adams.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion against George Adams, formerly of Company G, Forty-fourth Regiment Indiana Volunteer Infantry, and grant him an honorable discharge.

The committee amendment was read, as follows:

Strike out all after the enacting clause and insert:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, George Adams, who was a member of Company G, Forty-fourth Regiment Indiana Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 13th day of August, 1865: *Provided,* That no bounty back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present.

Mr. TILSON. I hope the gentleman from Texas will withhold that.

Mr. BLANTON. For how long?

Mr. TILSON. Just until 5 o'clock. It is now 4.55.

Mr. BLANTON. I will withhold it, Mr. Speaker.

The SPEAKER. The Clerk will report the next bill.

WILLIAM J. BODIFORD

The next business on the Private Calendar was the bill (H. R. 6143) to correct the military record of William J. Bodiford.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ARENTZ. Reserving the right to object, Mr. Speaker, may I ask the gentleman from South Carolina [Mr. GASQUE] a question?

Mr. GASQUE. Certainly.

Mr. ARENTZ. It appears that this man Bodiford joined the Army for duty at Manning, S. C., and later joined his command at Columbus, S. C., and on September 12, 1898, deserted his company and then returned after that, and fought bravely during the rest of the campaign. If he got an honorable discharge at the end of his service, why is it necessary to go back and clear up his dishonorable discharge, which he does not appear to have had previous to this time?

Mr. GASQUE. It appears that under the pension law he is not entitled to a pension on account of having a charge of desertion recorded against him.

Mr. ARENTZ. Even if he got an honorable discharge afterwards?

Mr. GASQUE. Yes, even if he got an honorable discharge afterwards.

Mr. ARENTZ. Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.
The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to correct the military record of William J. Bodiford, late of Company I, Second Regiment South Carolina Volunteer Infantry, by having the charge of desertion removed.

With a committee amendment, as follows:

Strike out all after the enacting clause, and insert:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William J. Bodiford, who was a member of Company I, Second Regiment South Carolina Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on September 12, 1898: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

PHILIP A. HERTZ

The next business on the Private Calendar was the bill (H. R. 6790) for the relief of Philip A. Hertz.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BEEDY. Mr. Speaker, I move to substitute the Senate bill S. 2124, No. 361 on the Private Calendar.

The SPEAKER. The gentleman from Maine asks unanimous consent to substitute the Senate bill 2124 in lieu of the House bill 6790. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Philip A. Hertz, who was a member of Company H, Sixty-first Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 18th day of July, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the similar House bill will be laid on the table.

There was no objection.

A motion to reconsider the vote whereby the Senate bill was passed was laid on the table.

CHIPPEWA INDIANS OF MINNESOTA

Mr. LEAVITT. Mr. Speaker, I present for printing, under the rule, the conference report on the bill (H. R. 178) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 178) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims.

The SPEAKER. Ordered printed.

BRIDGE ACROSS ELIZABETH RIVER, VA.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7093), with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to call up the bill H. R. 7093, with Senate amendments, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 7093) granting the consent of Congress to O. Emmerman Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubbard Massey to construct, maintain, and operate a bridge

across the southern branch of the Elizabeth River, at or near the cities of Norfolk and Portsmouth, in the county of Norfolk, in the State of Virginia.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. DENISON, Mr. BURTNESS, and Mr. PARKS.

BRIDGE ACROSS THE SUSQUEHANNA RIVER

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table (H. R. 3794), granting the consent of Congress to the counties of Lancaster and York, in the State of Pennsylvania, to jointly construct a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa., and agree to the Senate amendment.

The Senate amendment was read.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I would like to ask the gentleman from Illinois whether this is the final settlement of the old disturbance that has been going on so long over this bridge?

Mr. DENISON. This is a final settlement, I think.

BILL FOR THE RELIEF OF CAPT. JOSEPH L. RAHM

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on H. R. 7429, which passed the House this afternoon.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD on H. R. 7429. Is there objection?

There was no objection.

Mr. THATCHER. Mr. Speaker and Members of the House, I desire to submit a statement in behalf of the bill for the relief of Joseph L. Rahm, H. R. 7429. The bill provides as follows:

A bill (H. R. 7429) for the relief of Joseph L. Rahm

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summon Joseph L. Rahm, formerly captain in the Dental Corps of the Army of the United States, before a retiring board to inquire whether at the time of his honorable discharge, December 15, 1922, he was incapacitated for active service and whether such incapacity was the result of an incident of service and whether said discharge should have been made, and upon the result of such inquiry the President is authorized to nominate and appoint, by and with the advice and consent of the Senate, the said Joseph L. Rahm a captain in the Dental Corps and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for officers of the Regular Army: *Provided*, That the said Joseph L. Rahm shall not be entitled to any back pay or allowances.

The purpose of the measure is set forth therein.

Doctor Rahm, a Kentuckian, and graduate dentist, was appointed dental surgeon in the Medical Department of the United States Regular Army with rank of first lieutenant on September 17, 1917; he was promoted to a captaincy in the Dental Corps of the Army on October 4, 1918, which appointment was accepted by him May 5, 1919. Certain reductions took place in the Army and he was honorably discharged therefrom with rank of captain on December 15, 1922. He thus had more than five years of service. Soon after his appointment as first lieutenant he was sent to the medical officers' training camp at Fort Oglethorpe, Ga. On September 9, 1918, he was sent to France and was there assigned to duty in the care of the wounded at Base Hospital No. 34 in France. After the armistice—November 11, 1918—he was transferred to Evacuation Hospital No. 36 in France, serving there until March 19, 1919, when he volunteered for service with the north Russian transportation expedition, made necessary because of the urgent need of the allied forces in north Russia for experienced railroad men, with proper medical and other aids, to operate the railroad lines taken over from the Bolsheviks. The President of the United States was authorized to recruit two companies of American railroad men from various transportation corps units in France to be sent to north Russia to operate in conjunction with and under the British command on the Murmansk front, so that the line of communications to Soroka might be kept open, and Archangel, on the White Sea, might not be isolated during the closed-port season.

Captain Rahm, upon volunteering for this service, was detailed to accompany the expedition, and arrived in north Russia in April, 1919, when the thermometer was 40° below zero. He suffered severely from the cold and from lack of food. In

Russia his dental office was in a box car; he slept in this car, and worked from the base section to the battle front.

The track was very rough, and proper rest on the railroad was impossible. He did a great deal of dental work for the Allied troops, French, British, Italians, Canadians, and Serbs. In a railroad wreck in Russia, Captain Rahm sustained severe injuries, whereby his right kidney was loosened, and from that day to the present moment, as a result of these injuries, he has passed blood. He was returned to France on August 5, 1919, and placed in charge of the dental section of the segregation camp at Brest, where he was overworked, caring for syphilitic cases. In December, 1919, he was transferred to the United States, and after a few months was sent on detached service to Yuma, Ariz., perhaps the hottest portion of the United States, in contrast to the previous season spent in the frigid regions of north Russia. In Russia and later in France he worked at his dental chair when he should have been in the hospital as a patient. Because of the hardships to which he was thus exposed Captain Rahm developed incipient tuberculosis.

Touching these injuries see, in the report of the House Committee on Military Affairs, the statements of Captain Rahm; Maj. C. W. Phillips, Medical Corps, United States Army; Dr. Irwin Abell, of Louisville, Ky.; Maj. E. J. Farrow, Medical Corps, United States Army; Henry H. Reeder, special contract surgeon, Medical Corps, United States Army; and of other physicians and surgeons within and without the Medical Corps of the Army.

Because of the displaced kidney, Captain Rahm was particularly incapacitated to pursue in any sustained or adequate way his work as a dentist. Before his discharge from the Army, agreeably to sections 1245 to 1274, as amended, of the Revised Statutes of the United States, he made formal application in writing on two different occasions for examination before an Army retiring board to determine whether or not he was entitled, because of his physical infirmities induced in the line of his Army service, to be retired with the rank of and pay of captain. Notwithstanding these requests, such examination was denied him by his superiors in the Army, and on December 15, 1922, he was given an honorable discharge, but without any such examination.

Since his discharge was thus made the War Department has ruled that under the law no examination of Captain Rahm can now be made by the indicated retiring board. It therefore appears that only by the passage of a relief act of the instant character can such examination be ordered.

The Army surgeon, at the time of Captain Rahm's discharge from the Army, stated that upon a careful physical examination he found that Captain Rahm had a much thickened pleura in the upper half of his right lung; that his right kidney was movable as far down as the iliac fossa; that such wound, injury, or disease would likely result in death or disability; that same resulted in the line of duty in the military service of the United States; and that in view of his occupation Captain Rahm was 40 per cent disabled. See the statement of Doctor Reeder, special contract surgeon, Medical Corps, United States Army, on page 6 of the House committee report. See also the committee report for the other facts which I have just indicated.

In view of all of which it seems to me that Captain Rahm's superiors in the Army were unjust and arbitrary in their refusal to grant him the privilege of a formal examination by an appropriate retiring board as provided for in the statutes referred to. If such examination had resulted unfavorably to his request for retirement as captain, no harm could have resulted to the United States, and the question would have been finally settled. If, on the other hand, such retiring board had determined that the applicant was entitled to retirement with the rank and pay of captain, because of his injuries sustained in line of military service in behalf of his country, then justice would have been accorded him.

The proposed measure simply authorizes the appearance of Captain Rahm before a formal retiring board, which will make a careful physical examination to determine in a final and conclusive way the character and extent of the applicant's disabilities incurred in line of his military service; and if the result of such examination is to the effect that these disabilities, at the time of his discharge from the Army, entitled the applicant to be retired with the pay and rank of captain of the Regular Army, then the President is authorized to nominate and appoint the applicant, by and with the advice and consent of the Senate, as a captain in the Dental Corps, and place him on the retired list of the Army with the same privileges and retired pay as are now, or may hereafter be, provided by law or regulation for officers of the Regular Army: *Provided, however, That the applicant shall not be entitled to any back pay or allowances.*

Certainly those who serve the Nation's flag should be treated with justice and consideration. The present bill is necessary in order that its beneficiary, an American citizen who served his country and the allied forces under conditions of the most trying character, may receive the simple justice to which under the laws of our country he is entitled.

PERMISSION TO ADDRESS THE HOUSE

Mr. CONNALLY of Texas. Mr. Speaker, I would like to inquire of the majority leader whether he would be willing to permit me to have 15 minutes on Monday in which to address the House?

Mr. TILSON. I should not care to have any time taken from the Unanimous Consent Calendar. It is a pretty heavy calendar and I would prefer that the gentleman ask for time on some other day than Monday.

Mr. CONNALLY of Texas. The consideration of farm relief comes on Tuesday, does it not?

Mr. TILSON. Yes.

Mr. CONNALLY of Texas. Will the gentleman, before we commence the consideration of farm relief, give me 15 minutes?

Mr. TILSON. I do not know whether there would be any objection to that or not. Of course, I will conform to the wishes of the House.

Mr. CONNALLY of Texas. Of course, if the gentleman desires to object—

Mr. TILSON. I shall not object.

Mr. CONNALLY of Texas. Then, Mr. Speaker, I ask unanimous consent that on Tuesday next, after the disposition of business on the Speaker's table, I be allowed to address the House for 15 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent that on Tuesday next, after the reading of the Journal and the disposition of business on the Speaker's table, he be allowed to address the House for 15 minutes. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object—and, of course, I shall not object—I think it proper to call attention to the form of the rule which has been agreed upon. I do not know, but did the gentleman from New York [Mr. SNELL] report it to-day?

Mr. CHINDBLOM. Yes.

Mr. GARRETT of Tennessee. It provides for four days of debate. It provides for no fixed number of hours but simply provides for four days of general debate to be confined, of course, to the bill.

Mr. CHINDBLOM. Is the gentleman's speech going to be on farm relief?

Mr. CONNALLY of Texas. No.

Mr. CHINDBLOM. On some other relief—Democratic relief?

Mr. CONNALLY of Texas. I will say that I did not want to ask for any time during general debate on farm relief, because my remarks will not be on that subject.

Mr. CHINDBLOM. The gentleman does not care to disclose his subject?

Mr. CONNALLY of Texas. I will say it is with reference to the Alien Property Custodian's office.

Mr. CHINDBLOM. That is a form of relief.

Mr. CONNALLY of Texas. I have no disposition to conceal the nature of my remarks.

Mr. BEGG. Mr. Speaker, reserving the right to object, I want to make this statement, which seems to me very potent. This farm relief is, perhaps, the most interesting subject now before the House, and is of great interest to both sides. I question whether the gentleman himself would want to take the responsibility of consuming a part of that time.

Mr. CONNALLY of Texas. That is exactly why the gentleman did not seek time under general debate on farm relief. I do not desire at this time to talk on that subject. Of course, if there is going to be objection, I will not press my request.

Mr. BEGG. I am not going to object, but it does not seem to me the House should set aside four days for general debate on farm relief legislation and then everybody hesitate to object to Members getting unanimous consent to take part of that time. If we are going to have four days of general debate on farm relief legislation, we ought to have it.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p. m.) the House, under its previous order, adjourned until Monday, May 3, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 1, 1926, as reported to the floor leader by clerks of the various committees:

COMMITTEE ON IRRIGATION AND RECLAMATION (10 a. m.)

To provide for the protection and development of the lower Colorado River basin (H. R. 9826).

COMMITTEE ON FOREIGN AFFAIRS (10.15 a. m.)

To authorize the erection of a statue to Henry Clay (H. R. 11278).

COMMITTEE ON IMMIGRATION AND NATURALIZATION (10 a. m.)

To relieve United States district judges from signing an order admitting, denying, or dismissing each petition for naturalization (H. R. 6755).

Scheduled for May 3, 1926

COMMITTEE ON APPROPRIATIONS (10 a. m.)

Second deficiency bill.

COMMITTEE ON FOREIGN AFFAIRS (10.15 a. m.)

Requesting the President to propose the calling of a third Hague conference for the codification of international law (H. J. Res. 221).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE (10.30 a. m.)

Legislation relative to labor disputes in the coal-mining industry.

COMMITTEE ON THE POST OFFICE AND POST ROADS (10 a. m.)

To provide for the payment of amounts expended in the construction and maintenance of a hangar and flying field for the use of the Air Mail Service (H. R. 4326).

For the relief of the persons or companies who advanced money or materials for the construction and maintenance of an air-mail hangar at Salt Lake City, Utah, for the Post Office Department (H. R. 4642).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

490. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1926, to remain available until June 30, 1927, for subsistence of the Army, \$1,999,390 (H. Doc. No. 363); to the Committee on Appropriations and ordered to be printed.

491. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior for the fiscal year ending June 30, 1926, to continue available until June 30, 1928, for the expenses of a conference on education, reclamation, and recreation to be held at Honolulu, Hawaii, during April and May, 1927, \$20,000 (H. Doc. No. 364); to the Committee on Appropriations and ordered to be printed.

492. A letter from the Secretary of the Navy, transmitting a report of claims arising out of damages to private property due to the operation of naval aircraft, which was ascertained, adjusted, determined, and paid by the department during the fiscal year ending June 30, 1925, from the appropriation "Aviation, Navy, 1925"; to the Committee on Expenditures in the Navy Department.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 249. A resolution providing for consideration of H. R. 11603, a bill to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities; without amendment (Rept. No. 1051). Referred to the House Calendar.

Mr. McLEOD: Committee on the District of Columbia. S. 2730. An act to amend section 1155 of an act entitled "An act to establish a code of law for the District of Columbia"; without amendment (Rept. No. 1055). Referred to the House Calendar.

Mr. McLEOD: Committee on the District of Columbia. H. R. 11277. A bill to provide for the incorporation of nonprofit, nonsecret associations of a national character, formed for patriotic and for professional purposes in the District of Columbia; with amendment (Rept. No. 1056). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SWOOPE: Committee on War Claims. H. R. 11586. A bill for the relief of Fannie B. Armstrong; without amendment (Rept. No. 1052). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 7680. A bill to provide for the reappointment of Maj. Chauncey S. McNeill, subject to certain conditions; without amendment (Rept. No. 1054). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from consideration of the bill (H. R. 4210) granting an increase of pension to Cora Shoemaker, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ELLIOTT: A bill (H. R. 11802) to authorize the transfer to the jurisdiction of the United States Botanic Garden of a certain portion of the Anacostia Park for use as a tree nursery; to the Committee on Public Buildings and Grounds.

By Mr. CURRY: A bill (H. R. 11803) to authorize the incorporated town of Juneau, Alaska, to issue bonds for the construction and equipment of schools therein, and for other purposes; to the Committee on the Territories.

By Mr. BLOOM: A bill (H. R. 11804) authorizing the extension of the park system of the District of Columbia; to the Committee on the District of Columbia.

By Mr. HILL of Washington: A bill (H. R. 11805) authorizing investigation of the right of Okanogan County, Wash., to the payment of taxes on Indian lands; to the Committee on Indian Affairs.

By Mr. MARTIN of Massachusetts: Joint resolution (H. J. Res. 241) authorizing the expenditure of certain funds paid to the United States by the Persian Government; to the Committee on Foreign Affairs.

By Mr. CURRY: Joint resolution (H. J. Res. 243) for the relief of special disbursing agents of the Alaska Engineering Commission or of the Alaska Railroad; to the Committee on the Territories.

By Mr. SNELL: Resolution (H. Res. 249) providing for consideration of H. R. 11603 to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities; committed to the House Calendar.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADKINS: A bill (H. R. 11806) granting an increase of pension to William S. Newman; to the Committee on Pensions.

By Mr. BEGG: A bill (H. R. 11807) granting a pension to Ida M. Spencer; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 11808) granting an increase of pension to Sarah J. Garlin; to the Committee on Invalid Pensions.

By Mr. BYRNS: A bill (H. R. 11809) for the relief of Dr. Stanley R. Teachout; to the Committee on Claims.

By Mr. CARTER of Oklahoma: A bill (H. R. 11810) for the relief of Douglas C. Mitchell; to the Committee on Military Affairs.

By Mr. CHRISTOPHERSON: A bill (H. R. 11811) granting a pension to Rosa S. Weston; to the Committee on Invalid Pensions.

By Mr. COLLINS: A bill (H. R. 11812) to authorize the Secretary of the Interior to sell to the legal heirs of W. H. McCarty and Sallie McGee McCarty the south half of the south half of section 9, township 15 north, range 1 east, Choctaw Meridian, Holmes County, Miss.; to the Committee on Public Lands.

By Mr. CURRY: A bill (H. R. 11813) granting a pension to Emma Carr; to the Committee on Invalid Pensions.

By Mr. DEMPSEY: A bill (H. R. 11814) for the relief of R. J. Graft, former ensign, Supply Corps, United States Naval Reserve Force; to the Committee on Naval Affairs.

By Mr. EATON: A bill (H. R. 11815) granting an increase of pension to Mary E. Runyon; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 11816) granting an increase of pension to Annie Downs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11817) granting an increase of pension to Elizabeth A. Harbach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11818) granting an increase of pension to Ida V. Hain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11819) granting an increase of pension to Isabella Hain; to the Committee on Invalid Pensions.

By Mr. HALL of Indiana: A bill (H. R. 11820) granting an annuity to Clyde L. West; to the Committee on Military Affairs.

By Mr. HASTINGS: A bill (H. R. 11821) granting a pension to Nancy J. Rider; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 11822) granting an increase of pension to Frances Decker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11823) granting a pension to Helen M. Holt; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 11824) granting a pension to Charles Guthridge; to the Committee on Invalid Pensions.

By Mr. KIRK: A bill (H. R. 11825) granting an increase of pension to Dury M. Craft; to the Committee on Pensions.

By Mr. MENGES: A bill (H. R. 11826) granting an increase of pension to Mary J. Markley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11827) granting an increase of pension to Carrie Good; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11828) granting an increase of pension to Annie Malehorn; to the Committee on Invalid Pensions.

By Mr. NEWTON of Missouri: A bill (H. R. 11829) for the relief of Frank E. Ridgely, deceased; to the Committee on Military Affairs.

By Mr. SCHAFER: A bill (H. R. 11830) granting an increase of pension to Annie Felzen; to the Committee on Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 11831) granting an increase of pension to Margaret J. Gray; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 11832) granting an increase of pension to Cecile A. Campbell; to the Committee on Pensions.

Also, a bill (H. R. 11833) granting an increase of pension to Martha A. Shute; to the Committee on Invalid Pensions.

By Mr. WILSON of Mississippi: A bill (H. R. 11834) for the relief of Marion F. Blackwell; to the Committee on Claims.

By Mr. ZIHLMAN: A bill (H. R. 11835) granting an increase of pension to Lizzie Crane; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: Joint resolution (H. J. Res. 242) releasing all claims of the United States in respect to Government-owned equipment loaned to the John Ohlinger Post, No. 547, of the American Legion, at Portsmouth, Iowa, and destroyed by fire; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2012. By Mr. BOYLAN: Resolutions of the German Society of Pennsylvania, contributing for the relief of distressed Germans in the State of Pennsylvania; also in favor of liberalization of immigration law; to the Committee on Immigration and Naturalization.

2013. Also, petition of St. Ignatius Holy Name Society, Hicksville, Long Island, in favor of resolution introduced by Mr. BOYLAN relative to Mexico; to the Committee on Foreign Affairs.

2014. Also, petition of University of Illinois, Urbana, Ill., in opposition to passage of bill which will make it impossible for the University of Illinois or any other college or university to require military training of its students; to the Committee on Military Affairs.

2015. By Mr. GALLIVAN: Petition of Pere Marquette Council, Knights of Columbus, South Boston, Mass., Arthur J. O'Keefe, grand knight, protesting against the unwarranted and inhuman interference in religious worship on the part of the Government of Mexico; to the Committee on Foreign Affairs.

2016. By Mr. HOOPER: Petition of Mrs. Glenn Peterson and 20 other residents of Eaton County, Mich., protesting against the passage of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

2017. By Mr. O'CONNELL of New York: Petition of the Columbia Wax Products Co., of Woodhaven, Long Island, N. Y., favoring the passage of House bill 8119; to the Committee on the Judiciary.

2018. By Mr. ROMJUE: Petition of J. T. Magee, L. E. Duss, C. O. West, and others in favor of agricultural relief and the Dickinson bill; to the Committee on Agriculture.

2019. By Mr. STRONG of Pennsylvania: Petition of Assembly 12, of the Catholic Slovak Sokol, Punxsutawney, Pa., in reference to the alien seamen bill; to the Committee on Immigration and Naturalization.

2020. By Mr. THATCHER: Resolutions adopted by the National Society of the Daughters of the American Revolution on April 23, 1926, indorsing and approving House bill 9644, providing for the erection at or near the Falls of the Ohio River, at Louisville, Ky., of a George Rogers Clark memorial lighthouse; to the Committee on the Library.

SENATE

SATURDAY, May 1, 1926

(Legislative day of Thursday, April 29, 1926)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. HARRISON obtained the floor.

Mr. CURTIS. Mr. President, will the Senator from Mississippi yield?

Mr. HARRISON. I yield.

Mr. CURTIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McKellar	Shortridge
Bayard	Gillett	McKinley	Simmons
Bingham	Glass	McLean	Smith
Blease	Goff	McMaster	Snoot
Borah	Gooding	McNary	Stanfield
Bratton	Greene	Mayfield	Stephens
Broussard	Hale	Melcalf	Swanson
Bruce	Harrell	Norbeck	Trammell
Butler	Harris	Norris	Tyson
Cameron	Harrison	Nye	Underwood
Couzens	Heflin	Oddie	Walsh
Cummins	Howell	Overman	Warren
Curtis	Jones, N. Mex.	Phipps	Watson
Dale	Jones, Wash.	Pine	Wheeler
Deneen	Kendrick	Reed, Pa.	Williams
Dill	Keyes	Robinson, Ark.	Willis
Fernald	King	Sackett	
Ferris	La Follette	Sheppard	
Fess	Lenroot	Shipstead	

Mr. CURTIS. I desire to announce the absence of my colleague [Mr. CAPPER] on account of illness in his family. I will let this announcement stand for the day.

Mr. JONES of Washington. I was requested to announce that the Senator from New Jersey [Mr. EDGE] is absent on account of illness.

The VICE PRESIDENT. Seventy-three Senators having answered to their names, a quorum is present.

ENROLLED BILLS SIGNED

The VICE PRESIDENT announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H. R. 2761. An act for the relief of Nora B. Sherrier Johnson;

H. R. 2797. An act for the relief of Mary M. Pride;

H. R. 3797. An act to increase the limit of cost of public building at Decatur, Ala.;

H. R. 3971. An act to correct and perfect title to certain lands and portions of lots in Centerville, Iowa, in the United States of America, and authorizing the conveyance of title in certain other lands and portions of lots adjacent to the United States post-office site in Centerville, Iowa, to the record owners thereof, by the Secretary of the Treasury;

H. R. 7904. An act granting the consent of Congress to Des Arc Bridge Co. and its successors and assigns to construct a bridge across the White River at Des Arc, Ark.;